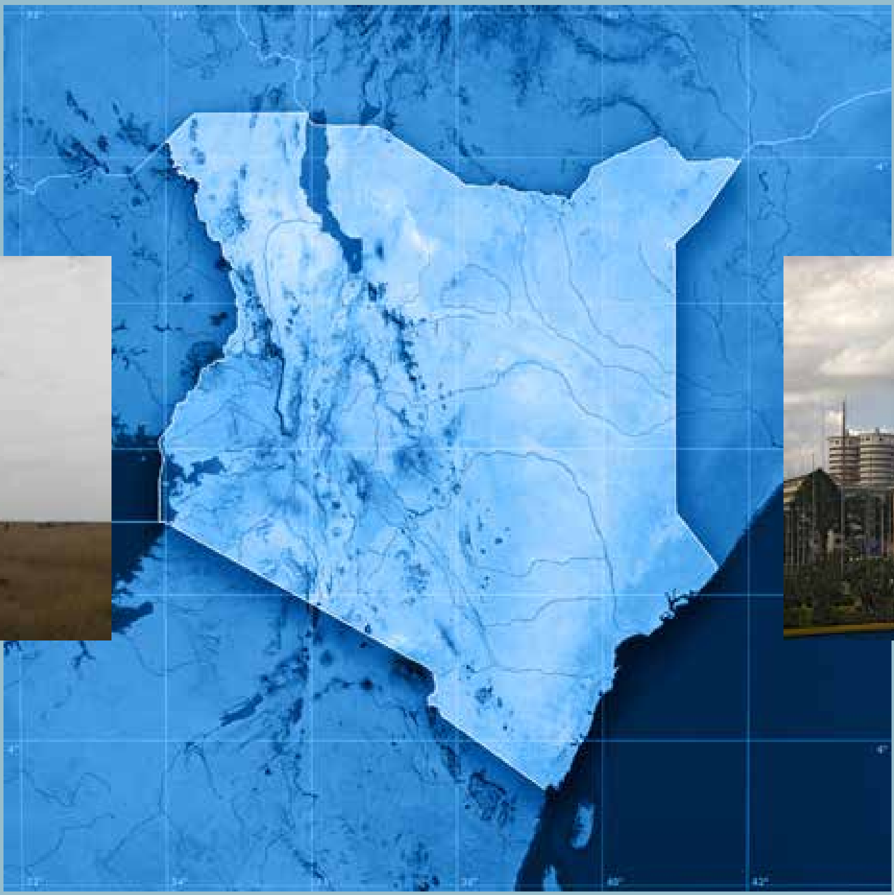
The Media Map Project

Kenya

Case Study Snapshot of Donor Support to ICTs and Media, 2011

by Katharine Allen and Iginio Gagliardone



Internews

Media Map
The impact of media development worldwide

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Katharine Allen is an attorney and doctoral student in global communications at the Pennsylvania State University. Her research focuses upon social media and new technologies as networks and tools for international political communications and socio-political movements, particularly in Cuba and other authoritarian or closed regimes. Peripheral interests and pursuits include freedom of the press in Latin America and the Caribbean, international regulation of speech, and public international law.

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Credits

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Cell phone tower in Masai Mara (credit: Tara Susman-Peña)
Kenya topographic map (credit: iStockphoto)
Nairobi cityscape (credit: iStockphoto)

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The Media Map Project Case Studies: An Introduction

By Tara Susman-Peña

The field of media development assistance – support provided by foreign donors to promote independent, professional news media in developing and transitioning countries – dates back at least to the 1950s. Almost never recognized as a sector in its own right, media development is a relatively tiny portion of overall development assistance.[1] Despite this marginal status, media development veterans passionately believe that their work plays a critical role in improving the governance and development of the countries where they work. Successful support to local media should facilitate its independence from government and other outside influences, promote freedom of information, represent the public's needs to decision-makers, and improve the quality of the news that is produced. In turn, by maintaining a free-flow of information, improved news media should keep government transparent and hold it to account, give life to the market economy, and provide citizens with the information they need to make all kinds of critical decisions that impact them as individuals, and their families, communities, and countries.

In theory then, media development supports all other development, both directly and indirectly. However, media development stakeholders have not always been able to make a compelling, evidence-based case to the greater development community that what they do matters critically for both governance and development. Former World Bank president James Wolfensohn, Nobel prize-winning economists Amartya Sen and Joseph Stiglitz, and many other policymakers have made a strong case for the media's importance, but this has yet to be translated widely into systematic incorporation of media development support into aid policy and budgets. The Media Map Project was created to interrogate the evidence on the connections between media and development, as well as to make global data on the media sector more accessible to researchers, policymakers, and practitioners.

This series of case studies addresses more specific questions regarding the impact of donor interventions that support the media in developing countries.[2] The following key questions focus on the last two decades of donor support to independent media in seven countries. Who are the major actors? What are the major activities? Which activities have a positive impact? Which activities fail? Why? Finally, we go beyond the reflective exercise of "best practices and lessons learned" to offer evidence for donors interested in improving the effectiveness and relevance of their media support. These studies are intended for donors, policymakers, and media development practitioners alike.

In a perfect world, we would have been able to identify all of the donors supporting media from 1990-2010, precisely outline their activities, goals, partners, and budgets, collect monitoring and evaluation reports, and, armed with nationally representative data measuring the many facets of the health of the media sector,[3] we would have been able to determine precisely which projects had impact, the return on investment, and perhaps even the collective impact of all projects. Given the constraints of a pilot project, and the limits of the donors' own documentation, we were not able to perform exhaustive research. Instead, our methodology was designed to build a solid foundation for understanding each country's media development history, illuminated by rich, revealing detail. Further, we have carefully outlined any remaining gaps in the research. Building upon

1 Estimates of current spending on media development are extremely difficult make with precision, due to poor donor documentation, and range from 0.3% of all U.S. aid (the United States is the largest bilateral donor to media development) (Mottaz, 2010) to 0.6% of all aid (as estimated by D. Kaufmann in a presentation entitled "On Media Development & Freedoms in a Governance Context: An Outsider's Reflections, with Some Empirics," presented at OECD DAC GOVNET meeting on June 7, 2011.)

2 The vexing question of how to define impact of a particular media development intervention, and further, how to measure that impact, is addressed in another report for the Media Map Project (Alcorn et al., 2011).

3 The Media Map Project defines the health of the media sector: "The health of the media sector refers to the extent of its development. A healthy media sector is independent from both government and business, generates quality outputs that reach citizens, and engages them to make informed decisions that impact their own lives and the lives of their community" (Roy, 2011a: 3).

this work, we have proposed a design for quantifying the impact of donor support to the media that could be undertaken in a subsequent phase of the research.[4]

The original design of the project included four or five countries as case studies. We selected the countries to represent a range of development challenges, political situations, media development history, and geography (with a slight emphasis on Sub-Saharan Africa). In consultation with the Media Map International Advisory Board, we selected Democratic Republic of Congo, Mali, Peru, Ukraine, and Indonesia. As the project progressed, we formed partnerships that enabled us to add Kenya (Center for Governance and Human Rights, Cambridge), and Cambodia (Australian Broadcasting Corporation). The basic research design includes:

1) Qualitative desk research providing context on each country's development, political, historical, and media landscapes

2) Quantitative desk research creating a portrait of each country's media sector progress over the last 20 years, to the extent that data is available, also some comparison between the country and its region

3) Primary data collected from in-country fieldwork, which includes interviews, focus groups, and observation

Pilot projects come with constraints, but they also come with great opportunities for exploration and creativity, and we have pursued the case study research very much in this spirit. However, while each of the countries contains all of the above components, and thus a consistent line of inquiry, there is some variation across the studies. First, as to format, the lead researcher for each country was provided with a template meant to structure the report. All of the reports cover the key areas in the template, but they do not share a perfectly uniform structure. Both the template and sampling guide are provided at the end of this report. Model discussion guides for interviews were provided, adapted for language and context, and used to guide semi-structured interviews and focus groups during the field work.

Mali and Peru were chosen to coincide with two of the Organisation for Economic Cooperation and Development's Development Assistance Committee (OECD DAC) Governance Network's (GOVNET) case studies that lay the groundwork for improving donor support to domestic accountability. We provided GOVNET with summary reports on these two countries focusing on the media's role in domestic accountability in support of GOVNET's preparation for the High Level Forum on Aid Effectiveness in November 2011 in Busan, Korea.

To the Peru and Ukraine case studies, we added Network Analysis, a social science methodology that investigates connections among organizations to probe relationship patterns in areas such as information sharing, prestige, and trust. In Peru, we also piloted a methodology called Participatory Photographic Mapping, a technique that has been used principally in the U.S. and Canada to investigate community health and safety issues. This produced visual, oral, and textual data showing where people get their information and what sources they trust. The experiment yielded some insights about information sources, but was even more useful as a process to refine the methodology appropriately for future research.

In recent years, news media have been evolving and significantly overlapping with the Information and Communications Technology (ICT) sector. An overview of the Internet and mobile phones is included in the media landscape portraits. The question of new media and social media was included in the primary research to the extent that donors support these areas. We excluded any donor assistance consisting of pure infrastructure provision. In recognition of the rapidly shifting information landscape, we chose to focus the Kenya case study more pointedly on the convergence of old and new media, and on what donors are focusing on today, rather than conducting an extensive review of the past.

Finally, each of the individual case studies is meant to illuminate the specificity of each country context, but also feed into a broader evidence base of why and how better to support the media sector around the world. Out of this research, our aim is to identify clear guidelines for donors about the best approaches to media support across a variety of contexts. The final Media Map Project report will assimilate findings from all of these components, including the seven case studies, an econometric study that demonstrates that a healthy media sector has a positive impact on political stability in the sub-Saharan Africa region (Roy, 2011b), and a study of donors' approaches to assessing the impact of their media development projects. All of these reports, the quantitative data used in the reports, and a wealth of other data that can be used to further investigate the role of information and media in governance and development is freely available on our project website, www.MediaMapResource.org.

4 See Roy and Susman-Peña, 2011.

Acronyms

BBC: British Broadcasting Corporation
CCF: Christian Children's Fund
CCK: Communications Commission of Kenya
CIDA: Canadian International Development Agency
CPJ: Committee to Protect Journalists
DRC: Democratic Republic of China
EAC: East African Community
ESAF: Enhanced Structural Adjustment Facility
EU: European Union
GATT: General Agreement on Tariff and Trade
GDP: Gross Domestic Product
IMF: International Monetary Fund
KANU: Kenyan African National Union
KBC: Kenya Broadcasting Corporation
KCA: Kenyan Communications Act
KIPPRA: Kenyan Institute for Public Policy Research and Analysis
MCK: Media Council of Kenya
MDNP: Ministry of Planning and National Development
MISC: Media Industry Steering Commission
NARC: National Rainbow Coalition
NCS: National Communications Secretariat
NOFBI: National Fiber Optic Backbone Infrastructure
ODM: Orange Democratic Movement
SAGAs: Semi-Autonomous Governmental Agencies
UK: United Kingdom
UN: United Nations
U.S.: United States of America
USAID: United States Agency for International Development
VOA: Voice of America
WHO: World Health Organization

Part 1: Country and Media Overview

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Country Profile

The East African Republic of Kenya has eight provincial administrative regions and a population of about 41,070,934 (CIA, 2011). About 10 percent of the population lives in the capital city, Nairobi, with approximately 930,000 people in the second city, Mombasa (Kenya Open Data 2011). Kenya has a young population, with 55 percent of its people aged 64 or younger and 42.2 percent aged 14 or younger (CIA, 2011). Population estimates for this country explicitly take into account the effects of excess mortality due to AIDS; this can result in lower life expectancy, higher infant mortality, higher death rates, lower population growth rates, and changes in the distribution of population by age and sex than would otherwise be expected (CIA, 2011). Most of the population (88 percent) lives in rural areas (CIA, 2011). The average life expectancy is currently 59.48 years of age and the median age of Kenyans lies at 18.9 (CIA, 2011). Kenyan population growth is low, standing at 2.42 percent, ranking Kenya 29th in world population growth (Kenya Open Data, 2011).[1]

Although it is the undisputed regional hub for trade and finance in East Africa, Kenya has a history of struggling with corruption. The International Monetary Fund (IMF) and World Bank have repeatedly suspended and reinstated aid (including in 1997, 2001, and 2006) due to the government's failure to maintain reforms and curb corruption. The reverberating impact of post-election violence following the December 2007 elections coupled with the effects of economic reliance on several primary goods whose prices have remained low due to the global financial crisis, reduced gross domestic product (GDP) growth to 1.7 in 2008. However the economy showed improvement in 2009-2010.

While Kenya's real GDP grew 5 percent between 2009 and 2010, GNI per capita per person was estimated at USD 738. Current estimates place more than 50 percent of the population below the poverty line (CIA, 2011), a percentage that has grown with multiparty politics and economic liberalization.

Approximately 42 ethnic groups live in Kenya. The largest ethnic group in the country is the Kikuyu, representing a fifth of the total Kenyan population, followed by the Luyha (14 percent) and the Luo (13 percent) [Maina, 2006]. Kenya also has a small percentage of people of Asian, European, and Arab origin, estimated at 1 percent of the population (CIA, 2011). Forty-five percent of the population is Protestant, and 33 percent practice Catholicism. The remainder of the population is mostly Muslim or practices indigenous or tribal faiths (CIA, 2011). As with most of Africa, literacy has seen a phenomenal rise and in 2009 Kenya's literacy rate stood around 85 percent. English and Kiswahili languages are the official national languages of Kenya, although English tends to be used only in the major towns (Maina, 2006). There is little formal statistical information on the various languages spoken in Kenya beyond the fact that there are more than 100 dialects, with Kiswahili, Kikuyu, English, Luyhia, and Kalenjin most prevalent (Maina, 2006).

Political Overview

Kenya gained independence from the British in 1963 yet remained a de facto one-party state under the Kenya African National Union (KANU) party until 1992, when party President Daniel Arap Moi repealed Section 2A of the constitution, which had mandated one-party politics (Maina, 2006). Multi-party politics has since helped in the liberalization of the Kenyan economy and media environment over the past 20 years.

In elections that were marred by violence, ethnically-fractured politics, and fraud, Moi won in 1992 and 1997. However, KANU's hold on the presidency ended when he stepped down from office, after serving as President for the maximum number of terms permissible by the constitution (two), and the new KANU candidate, Uhuru Kenyatta, was defeated by Mwai Kibaki. The 2002 elections, which saw the defeat of a dominant political party and the son of Kenya's first president, Jomo Kenyatta, were judged by many as being both credible and making a resounding democratic statement.

1 Despite the low overall growth rate, Nairobi's population is growing rapidly.

It was the first time in 39 years when KANU was not in power. Mwai Kibaki ran as a candidate for the National Rainbow Coalition (NARC)—a multiethnic, united opposition group. The NARC coalition splintered in 2005 over a constitutional reform process that resulted in the formation of a new opposition coalition, the Orange Democratic Movement (ODM). Kibaki's reelection two years later, in December 2007, brought charges of vote tampering from ODM leader (and main opposition candidate) Raila Odinga and began two months of violence during which as many as 1,500 people lost their lives (CIA, 2011). UN-sponsored talks in late February produced a power-sharing accord, bringing Odinga into the government in the position of Prime Minister (CIA, 2011).

Although Kenya is Africa's leader in many key economic sectors, including telecommunications, the country still faces significant development challenges.

On August 27, 2010, Kibaki signed into law a new constitution that instituted a United States -style system of checks and balances, eliminated the role of prime minister, and included major shifts in civil liberties, including, for the first time, rights and guarantees for media and access to information. The new constitution has been hailed as the most significant political event since Kenya's independence nearly a half century ago (Greste, 2010). However, as further described below, constitutional reform is often skeptically viewed as an ideological nod to international donors. The reality of the media landscape in Kenya remains largely the same as it was prior to the new constitution; few of the constitutional mandates have been implemented and there are no mechanisms to enforce them (e.g., criminalization of press infractions and governmental obstacles to access to information remain).

Data Journalism Training, Nairobi (credit: Internews)

Challenges to Development in Kenya

Although Kenya is Africa's leader in many key economic sectors—notably in telecommunications—the country still faces severe development challenges that are only exacerbated by political and social unrest (such as in 2007-2008), a severe drought that hit the country recently, and the accelerating movement of refugees and displaced people crossing its borders from neighboring countries. Kenya was ranked 147 of 182 countries worldwide in the United Nations Development Program's 2009 Human Development Index (UNDP, 2009). Extreme poverty, deficient health and education institutions, lagging socio-economic development and ineffective governance have been the primary challenges for development organizations operating in Kenya (MPND, 2005).

Poverty

Fifty six percent of the population is estimated to be living below the poverty line. Eighty two percent of the poor live in the rural areas and eighteen percent in urban areas (MPND, 2005). Poverty in Kenya results from a combination of economic, geographic, agricultural and systemic deficiencies: underemployment, landlessness, vagaries of weather (especially because of dependency on rain-fed agriculture), the maize syndrome (an overemphasis on maize that locks people into risky maize-based subsistence agriculture, even in areas where maize production is unsuitable), under-education (especially among females, which has an intensified negative impact because of its effect on child health and nutrition), inadequate sanitation, health facilities and clean water (increasing the prevalence of common infectious diseases and negatively impacting nutrition and health), and socio-political issues affecting access to food (disempowered groups, especially women, have limited access to food and incomes).

Health and Education

Major deficits remain in health care and education. In the United Nations (UN) 2008 Report on the Global AIDS Epidemic, the World Health Organization (WHO) estimated the prevalence of adult HIV/AIDS in Kenya at around seven percent, well above both the global average of 0.8 percent and the Sub-Saharan Africa average of 5 percent (UN Program on HIV/AIDs, 2008). Preventable and treatable malaria and diarrheal diseases are also among the leading causes of death for children under five.

The country's population is characterized by high mortality rates, low and declining life expectancy, decreasing fertility rates (from 4.7 children per woman in 1995-1998 to 4.19 in 2011 [CIA, 2011]), high infant mortality and death rates, and declining population growth rates that may be associated with the HIV/AIDS pandemic.

A recent survey estimates that less than half of Kenyans living in urban areas have access to safe water (VOA, 2009). In addition, Kenyans cope with water rationing measures. Experts blame the water shortages on corruption and global warming (MDNP, 2005). The urban poor and those living in slums are particularly vulnerable to this phenomenon. According to activists, slums are "generally ignored by the government, so services such as water tend to be scarce in those areas" (VOA, 2009). Access to safe water supply and sanitation in Kenya varies significantly from region to region, and there are substantial disparities within regions. During the 1990s, investments in water resource management declined considerably making it more difficult to provide greater portions of the population with potable water (MDNP, 2005).

Socio Economic Development

The Kenyan economy's growth in the last two decades has been characterized as stagnant. According to the MDNP report on Kenya's Millennium Development Goals, the Kenyan economy grew by an annual average rate of only 1.5 percent between 1997 and 2002, below the population growth rate, which was estimated at 2.5 percent per annum (MNPD, 2005). The stagnation of the economy, consequently leading to "failure to drastically improve the country's investment and savings record" threatens development efforts, because of the lack of capital. In spite of signs of recovery, the economic growth is far below the growth rate needed to sustain implementation of the Millennium Development Goals (MDNP, 2005: 6).

Governance and Accountability

The major governance issues include (a) rural-urban divide facilitated by centralized political institutions and (b) ethnic differences and marginalization based on gender, age, and religion. Until recently, the major political issue in Kenya concerned the finalization of the 2010 proposed constitution, which will significantly alter the balance of power and legal landscape of Kenya. While the constitution mandates a Supreme Court with ultimate reviewing power and the creation of a representative Senate, neither institution has been created. Thus while the new constitution guarantees socio-economic rights, as well as civil liberties such as freedom of the press, enforcement of such rights and liberties remain reliant on the discretion of the Kenyan courts and government as they have previously existed (Malite, 2010).

Main Foreign Donors

With 1.275 billion dollars collected annually, Kenya is a top twenty recipient of bilateral, multilateral, governmental and nongovernmental aid. The United States and the United Kingdom (U.K.) are the top two contributors to the country. USAID, the Department for International Development (DFID) and the Canadian International Development Agency (CIDA), as well as other industrialized economies, often condition development assistance on political reform or rhetoric. Democratization and good governance and transparency are stated goals. Aid from China has expanded tremendously since 2004, and differs from U.S. and U.K. aid in that China is not concerned with democratization or liberalization agendas and places very few political conditions on its funding.[2]

The World Bank and the IMF are the top multilateral donors. Economic liberalization—mostly the removal of import controls and a shift from import to export substitution—is a priority with the World Bank and the International Monetary Fund (IMF), and aid is similarly conditioned on opening the economy. Kenya is the first sub-Saharan African country that received structural adjustment lending from the World Bank, and the first to receive an Enhanced Structural Adjustment Facility (ESAF) loan from the IMF (Were, 2008).[3]

The United Nations, European Union (EU), and East African Community (EAC) are among the most active governmental, international and regional donors whose development assistance funds projects related to media development. Other important nongovernmental organizations that directly or indirectly contribute to the health of the media include the Christian Children's Fund (CCF), World Vision, Oxfam, and the Ford Foundation.

2 With the exception that Kenya not formally recognize Taiwan.

3 Through conditionalities, Structural Adjustment Programs generally implement "free market" programs and policy. These programs include internal changes, notably privatization and deregulation as well as the reduction or elimination of trade barriers.

Despite advances in media freedom and development and a vibrant media sector, the mass media in Kenya remain hostage to many institutional and cultural pressures.

The Evolution of the Kenyan Media

Despite advances in media freedom and development through the new constitution and a vibrant media sector of several competing radio, print, and television news groups, the mass media in Kenya remain hostage to many institutional and cultural pressures. In particular, Kenya's unique history of colonialism, post-independence political competitions, authoritarianism, and subsequent political and economic liberalization has had a deleterious effect on the pace and depth of media development (Mbeke, 2008).

Kenyan Colonialism (1895-1962)

Initially, white settler-owned press served solely as a vehicle for disseminating government information to the white settler communities (Mshindi, 2008). Later, in response to African publications perceived as nationalist or revolutionary, the government enacted a series of restrictive laws and Emergency Orders to address the political challenges of the time. As early as the 1920s, African nationalist movements used independent or alternative press to instigate dialogue challenging paternalist colonial policies such as displacement from land, forced labor and taxation, and racial segregation (Mbeke, 2008). Fearing that a free press would push for Kenyan independence, the government enacted the Penal Code of 1930, which barred not only the publication of anti-colonial material but also criminalized possession of the same, as well as defamation (Makali, 2004). In 1952, in response to the Mau Mau uprising, the government banned all indigenous publications and intensified propaganda against nationalist movements through a Declaration of Emergency.[4]

Wireless and broadcasting were similarly controlled by the Empire. The government rigorously controlled and censored radio programs, using them as pro-colonial, anti-nationalist propaganda tools (Mshindi, 2008).

In 1960, however, it became apparent that Kenyan independence was inevitable. Fearing the power of mass media in an African government's hands, the colonists hurriedly formed the Kenya Broadcasting Corporation (KBC) to take over broadcast from the government-controlled system (Kenya Broadcasting Corporation, n.d.). Not only did the KBC monopolize the radio sector, it would also have the same power over television (Ogola, 2011).

Post-Independence (1962-1978)

On October 28, 1961, Jomo Kenyatta became the emissary of KANU. A month later he led a KANU delegation to London, where they engaged in preparation talks for the Lancaster House Conference, the event at which Kenya's constitutional framework and independence were negotiated. On December 12, 1964, Kenyatta became president (AfricaWithin.com, 2011).

The formative years of Kenyatta's presidency were initially accompanied by national political goodwill. However, as the country witnessed a fallout between Kenyatta and Jaramogi Odinga— Kenyatta's vice president turned opposition leader—the presidency of the Kenyan state became defined by its use of "repressive [state] apparatuses rather than representative institutions as instruments of legitimizing its their rule" (Ajulu, 2000: 1). Kenyatta utilized state machinery, including the police and the judiciary, to alienate political rivals. Often the media were targeted or manipulated to achieve this end. Of significant influence on Kenya's repressed freedom of expression was Kenyatta's "ideology of order" (Adieno-Odhiambo, 1987). Kenyatta introduced a nation-building project fueled by the theory that unless they were checked, competing cultural interests—religious, ethnic, and regional—would impede the country's development.

The Kenyatta government co-opted and controlled the media for propaganda purposes (Mshindi, 2008). The factors that shaped the development of media during the Kenyatta era were largely driven by the ideology of order, the push for development, political contention, and ideological issues surrounding media ownership (Mbeke, 2008).

Moi (1978-2002)

Daniel Arap Moi became president in 1978 in a constitutional succession following Kenyatta's death (Ogola,

4 The Mau Mau was a militant African nationalist movement active in Kenya during the 1950s whose main aim was to remove British rule and European settlers from the country.

Ya Mumbi Internally Displaced Person's Camp (credit: Taifa Leo)

2011). Four years later, Moi forced through parliament a constitutional amendment that created a one-party state (Ogola, 2011). Under the Moi dictatorship, the government restricted and limited political freedoms, especially in terms of the press and expression. Dissent was criminalized and open reprisal toward critical media intensified. Independent and critical publications were banned outright (Ogola, 2011).[5] The government also targeted the foreign press. It ordered local media to stop publishing news by foreign wire services and deported foreign correspondents (Mshindi, 2008).

The introduction of multi-party politics in 1992 widened the scope of political and press freedom. During this period, aid flows continually multiplied. Official development assistance to Kenya tripled between 1978 and 1990, increasing from USD 334 million USD to almost USD 1.2 billion. The United States sharply increased its aid program in the late 1980s, making Kenya the largest recipient of U.S. and total aid in Sub-Saharan Africa by 1990.

Beginning in 1990, the United States and other donors spoke out increasingly against perceived economic mismanagement, growing human rights abuses, and restricted political opportunities. Public opinion and budget deficits in donor countries—among other motivations—prompted bilateral donors to factor in Kenya's domestic politics when formulating their aid allocations (Brown, 2007).

5 Between 1988 and 1990 about 20 publications were banned in Kenya.

Economic liberalization during this time led to the proliferation of independent newspapers and magazines such as Economic Review and Finance (Mshindi, 2008). Ownership bases expanded and content became bolder and more diversified. Yet many obstacles to media freedom remained, in particular, criminal libel laws and the Official Secrets Act. Also troubling was the Kenyan media's proclivity to lobby on behalf of political parties, becoming a mouthpiece for government and rival parties rather than a purveyor of the Fourth Estate.[6] Media ownership influenced content as well. Moi, recognizing the power of media in politics, tried to take indirect control of the two largest circulations, The Standard and The Nation. Through proxies he bought controlling shares in the former and asserted influence over the latter using his business relationship with the principal shareholder.

The Kibaki Era (2003-2011)

In 2002, opposition leader Mwai Kibaki unseated Moi. Kibaki took power, promising a new constitution within 100 days. Eight years later, however, the constitution was ratified. As stated, the new constitution set forth freedoms of expression and of the press and access to information (see Figure 1).[7]

6 For instance, KANU, Moi's ruling party, bought the Nairobi Times, creating a state-sponsored news source that worked in conjunction with the state-run broadcasting system KBC (Ogola, 2011).

7 All statistical charts in this report are original research from existing data, produced by Sanjukta Roy. Data on Economic Freedom is sourced from the Heritage Foundation; see http://www.

The new constitution of 2010 has given Kenyan media their highest degree of independence and autonomy from state interference to date, at least formally.

Figure 1 was created by calculating the change in Economic Freedom Indicators and the change in Press Freedom Indicators for both Kenya and the Sub-Saharan African region. The graph shows that Kenya experienced an increase in both Economic and Press Freedom during this period. Sub-Saharan Africa (SSA) experienced an increase in Economic Freedom but a decline in Press Freedom.

With the promulgation and implementation of the new constitution of 2010, Kenyan media reached its highest degree of independence and autonomy from state interference to date—at least in the arena of policy (NCLR, 2010, Article 34) and citizens were granted the right of free access to public sector information (NCLR, 2010, Article 35). With this new independence, the media have exposed several government malpractices, including the failure of a number of members of parliament to pay past taxes, and have fostered spirited discussions in the public around issues of political corruption and accountability. Journalists now can openly challenge the government and ensure a degree of public accountability. The media were previously manipulated by individuals, frequently embroiled with political struggles, and could thus not speak for the general public. Therefore, this constitutionally-ensured independence is arguably the greatest achievement in the media sector in many years.

Previously, under Kibaki, there were a number of incidences of press repression. In 2005, First Lady Lucy Kibaki stormed the premises of an independent newspaper, the Daily Nation, with her security personnel. As reported by the Standard, an independent newspaper, she stayed in the newsroom for five hours, confiscating notebooks, mobile phones, tape recorders cameras and other equipment, claiming that the press lied to the public about her and her husband. She slapped a cameraman on her departure.

In March 2006, Kibaki security personnel raided the offices of the Standard after it published stories alleging mass corruption and revealing a multimillion dollar scandal. The police beat journalists, burning newspapers, destroyed paper and dismantled equipment. The action “shocked many Kenyans and alarmed Western donors” (Pan-African News Wire, 2008).

During the 2007 election period and post-election violence of 2007, Kibaki instituted a 24-hour media blackout. According to Tom Rhodes, East Africa consultant for the Committee to Protect Journalists

heritage.org/index/default; data on the Freedom of the Press index is from Freedom House; see http://www.freedomhouse.org

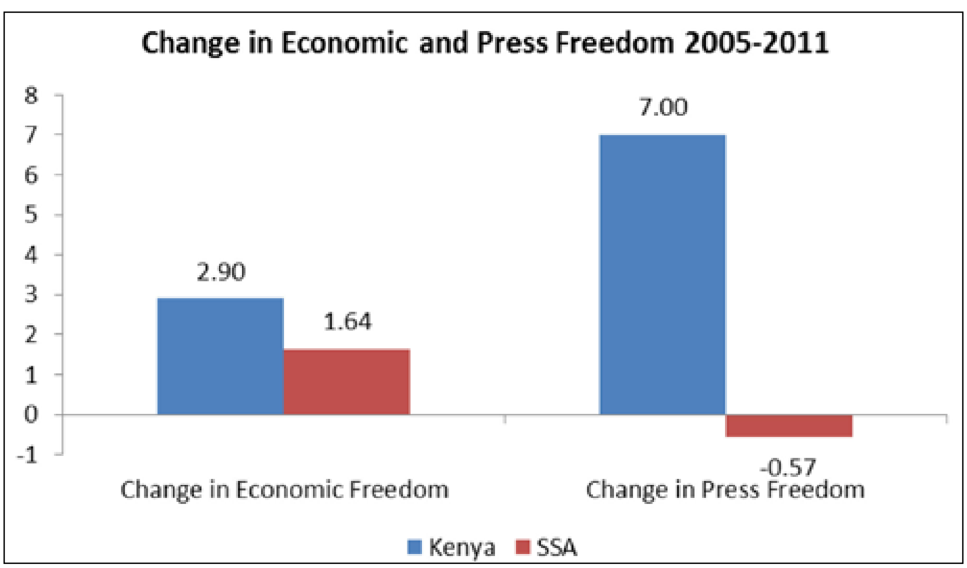

Figure 1: Comparison: Economic Freedom (EF) versus Press Freedom (PF) 2005-2011

(CPJ), a non-profit organization working to promote free press worldwide, a number of named journalists working at the Nation Media Group and Standard Group media houses have received death threats and been victims of abuse (IFEX, 2009).

In 2009 Francis Nyaruri, a reporter for the private Weekly Citizen, was murdered in western Nyanza province. Nyaruri's mutilated body was found in Kodera Forest two weeks after he went missing. Nyaruri had written a number of stories accusing high-ranking police officers of corruption (CPJ, 2009). A CPJ review of law enforcement documents and interviews found credible evidence that senior officials consciously obstructed the investigation into Nyaruri's murder. In a June 2009 letter, Attorney General Amos Wako wrote, "There is strong suspicion that police officers could have executed the deceased" (Rhodes, 2012).

Beyond these instances of overt oppression, it is likely that politicians will continue to use the media in ways that can favor their campaigns leading up to the presidential election in 2012.

The evolution of the Kenyan media and successes and failures thereof may be attributed to the nation's political, cultural, economic and colonial heritage. Despite the fact that Kenyan media is considered one of the most respected and thriving systems in sub-Saharan Africa, it is still ranked "partly free" in Freedom House estimates (See Figure 2).[8]

Kenyan Media Use

Print Media

Not surprisingly, given literacy and resources, Kenyan print media readership is relatively small; approximately 37 percent of Kenyans surveyed said they had not read a newspaper in more than a year (Bowen, 2010). Readership trends are higher in more urban areas.

Those print media with the highest readership include, hierarchically, the Daily Nation, the East African Standard, and Taifo Leo, with the latter enjoying more popularity in different regions of the country (Bowen, 2010). According to the audience research company Synovate, every quarter newspapers lose one percent of their readership, who are migrating either to radios or are receiving content in other ways (likely the internet and SMS breaking-news alerts issued by the same newspapers).

Radio

Nearly all Kenyans are radio listeners and use the radio as a source of news and information rather than for mere entertainment (Bowen, 2010). A recent survey found 89 percent of Kenyan adults get their news and information via radio at least once a week, and many of the listeners report trusting the broadcasts that they choose to listen to.

8 This chart was generated from Freedom House, 2011 Freedom of the Press 2011 Edition; see http://www.freedomhouse.org/template.cfm?page=251&year=2011 (Accessed September 23, 2011). Countries are given a total score on the basis of a set of 23 methodology questions divided into three subcategories: the legal environment, the political environment, and the economic environment. Countries scoring 0 to 30 are regarded as having "Free" media; 31 to 60, "Partly Free" media; and 61 to 100, "Not Free" media. This chart has been re-calibrated so that higher numbers reflect better (more free) scores.

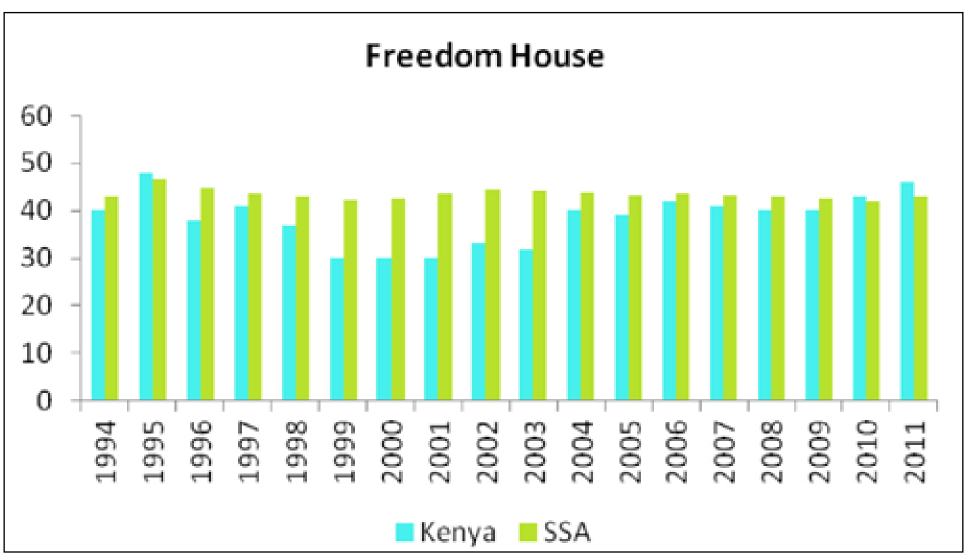

Figure 2. Kenya vs. SSA (Sub Saharan Africa): Press Freedom (Freedom House)

The most prevalent method of listening to radio broadcasts is FM radio; AM waveband is a popular second. Shortwave and mobile phone listening are also alternative listening methods used on a consistent basis. However, internet and satellite radio listening lags far behind other media (Bowen, 2010).

The number of private radio stations continues to grow. Among the most trusted and favored stations are Radio Citizen, the state-run KBC Kiswahili, Inooro and Easy/Nation. Radio Citizen and Easy/Nation broadcast in English only, while Inooro bills itself as the only "pure Kikuyu station," Inooro broadcasts in the tribal language but provides entertainment in various vernaculars. KBC Kiswahili broadcasts programs in both English, regional, and vernacular dialects. A more detailed breakdown of the media audience in Kenya may be found in Appendix 3.

Television

Television ownership lies at roughly 58 percent and nearly all television owners use antennas. Direct television connections via satellite or cable are rare and found mostly in urban centers (Bowen, 2010).
The four most popular television stations are Citizen TV, KBC, Kenya Television Network and Nation TV. As illustrated in the section below, media ownership is an issue of concern. The major broadcast corporations control several media platforms, including radio, television, and print (Bowen, 2010).

The radio market seems be over-saturated and does not offer many opportunities for new development or investment, while television lacks adequate local content and focuses on general issues. More investment is moving towards new platforms based on mobile phone technologies and the internet, with the expectation that the data mobile market will increase in the years ahead.

Jounalist Zainab Aziz in Mombasa, Kenya (credit: Easy FM/Nation)

Mobile Phones and Internet

The media in Kenya have been moving towards monopoly, concentrating ownership in a few hands and producing duplicative and biased content.

As further discussed below, mobile phones and the Internet continue to make inroads in Kenya. In the case of mobile phones, even regions that are relatively isolated and disadvantaged demographically show strong use of mobile phones. In a 2009 survey, 90 percent of those polled had used a mobile phone in the past year (Bowen, 2010). According to the ITU, mobile subscriptions in 2011 reached 62 percent of the population (ITU, 2010).

The most popular use of mobile phones was SMS messaging, however, more and more users are utilizing the technology to conduct financial transactions, access the internet, and watch or listen to television and radio broadcasts (Bowen, 2010; ITU, 2010). However, despite widespread access to phones for basic uses such as voice calls, some of the more innovative uses of mobile phones have been less widely adopted (Audiencescapes.org, 2009). In a 2009 usage survey, relatively few respondents said they used phones as a platform for getting formal news updates by SMS. This may be in part caused by the low credibility Kenyans attribute to such a news source. Even those who knew enough about SMS news services to offer an opinion expressed relatively low levels of trust in the news and information such services can provide (Audiencescapes.org, 2009).

The Political Economy of the Kenyan Media

In general, newspapers and magazines remain largely for educated urban dwellers. There are several hindrances to wide circulation of newspapers, including the logistical challenge of distribution to rural communities, literacy limitations and high purchase prices forced by constrained advertising environments (Ibelema & Bosch, 2008).

Kenyan broadcasting has expanded since economic liberalization, particularly through the work of the KANU party. The Nation and The Standard newspaper companies have also established private broadcasting.

The media in Kenya have been moving towards monopoly, concentrating ownership in a few hands and producing duplicative and biased content. A few corporate organizations and individuals own most of the media houses across the country. Media owners are profiting from the convergence of ownership and have avidly (and so far successfully) opposed government proposals to curtail or limit cross ownership (Mbeke, Ugangu, and Okello-Oriale, 2010). Though Kenya has more than seven daily newspapers, 100 radio stations, 17 television stations and 13 weekly and monthly papers, the market is dominated by four groups (the Nation Media Group, the Standard Media Group, the Royal Media Group and Radio Africa) each combining print and broadcast media, distribution and publishing. This environment, in which only a handful of players are shaping the media ownership structure, is reinforcing barriers to market entry in the media sector; major media houses are using methods ranging from interference with licensing procedures to monopolizing advertising and distribution networks. Still, the entry of a big regional media player has, in some cases, had beneficial effects on the quality of journalism. Attempts to regulate media ownership in the region have been unsuccessful to date, a testament to the influence of powerful media players on the political climate. The Kenya Communications (Amendment) Act of 2008 is perhaps most illustrative of this. A presidential directive was issued shortly after it was signed in order to review elements that many media houses felt were restrictive, such as provisions limiting foreign stakes in the media. This was attributable to an aggressive lobbying campaign that was successfully executed by the Kenya Media Owners Association.

Community Media Ownership

Despite the trend toward monopoly and lack of legislation empowering community and alternative media, there has been a promising rise in community radio stations over the last decade. Community radio is most often funded by development agencies and strives to provide small, rural, and/or remote communities with reliable news and information in order to inform and stimulate public debate. Kenya now has more than 11 radios owned and operated by various communities across the country.[9] A recent study found that most

9 These include Mang'elete Radio owned by a women group in Kibwezi, in the eastern parts of Kenya; Radio Maendeleo in Rarienda Constituency; Shinyalu Radio in western Kenya; Koch

community radios are not wholly owned and operated "by the community" (indeed, there are differing definitions of community ownership) [Conrad, 2011]. However, some are owned by people in the community; in most cases they are community driven and are still serving the needs of the community.

Community ownership is exceedingly difficult to maintain, which threatens the sustainability and quality of community radio. The stations depend on donor funding and many of them have shown that they are not sustainable once donors leave. For example, the umbrella body for community media (Kenya Community Media Network, or KCOMNET) has seen a severe decline in funding. The demand on the community radio companies to offer jobs and other benefits to members of the community is difficult to meet given the economic realities the radios are faced with.

Distinguishable from community radio are local, regional and ethnically-based radio stations. Like community radio, these stations have also experienced growth. However, unlike community radio, which is often regarded as a reliable and calming force during times of political instability (e.g., the 2007 elections), local radio stations have been widely criticized for inciting ethnic tensions and violence (Abdi & Deane, 2008). In the aftermath of the 2008 post-election violence and media blackouts, international reports and the Kenyan government alleged that ethnically-based radio stations in Kenya were partly responsible for inflaming ethnic hatred.

The Internet and Related Communications Technologies (ICTs)

Since 1998, Kenya has made progressive reforms in its mobile telephony and Internet services (Mbeke, Ugangu, Okello-Oriale, 2010). The policy reforms coincide with Kenya's international commitments initially under the General Agreement on Tariffs and Trade, now the World Trade Organization. Progress from the commitments includes: Communications Commission of Kenya (CCK) independence from telecommunications suppliers and government; the 2010 CCK regulations, which safeguard anti-competition practices; and the promulgation of procedures for interconnection negotiations, dispute settlement and for the allocation and use of scarce resources. The cost of communication via internet and mobile phone, while still prohibitive for most Kenyans, has gone down as Kenya has liberalized ICT policy (Internet World Stats, 2011).

In 2010, internet penetration in Kenya was at 9.7 percent with 39,955,000 users (Internet World Stats, 2011). This compares with the global average of 30 percent penetration. However, the growth rate in the region—estimated at 874.6 percent between 2000 and 2007 (Imebele & Bosch, 2007)—certainly outpaces that of the rest of the world dramatically. The current national ICT policy envisions a "prosperous ICT-driven Kenyan society" (ICT Landscape in Kenya, n.d.) with the goal of providing accessible, efficient and affordable ICT services to citizens. A new policy was supposed to have been generated by the National Communications Secretariat (NCS) in August of 2009, however, this process was delayed by the signing of the new constitution and the subsequent changes in the legal, economic and regulatory environment that have to now be reflected in any new policy produced by the NCS. Until recently, international bandwidth was satellite-based because Kenya did not have an undersea fiber optic cable. However, in 2009 the East African Marine Systems (TEAMS) and Seacom cable became operational. The TEAMS/Seacom collaboration is a public-private partnership between the government and local operators with the government owning 20 percent share of the cable. A second cable funded in part by the World Bank landed in Mombasa in June of 2010. While the quality of service has improved as a result, the prohibitive cost remains an obstacle to access to services.

In order to encourage private sector participation in telecommunications services, Kenya initiated the National Optic Fiber Backbone Infrastructure (NOFBI) project. The project is geared toward establishing a national public broadband network and internet points of presence (PoPs) in district headquarters and border towns.

The mobile telephone sector has seen rapid expansion particularly since the licensing of two new providers (Orange Kenya and Yu) in 2008, increasing coverage and availability of low denomination calling cards. Kenya enjoys one of the lowest prepaid service rates in Sub-Saharan Africa. Between 2007 and 2008, the number of subscribers to mobile services grew by 55.9 percent (Internet World Stats, 2011). The widespread use of mobile phones and SMS had a significant effect on the 2007 elections as citizens were able to message the outside world about election fraud allegations and acts of post-election violence even in the face of Kibaki's media blackout (Berkman, 2008). The crowdsourcing platform Ushahidi (explained further below)

FM in the Korogocho slums of Nairobi; Pamoja FM in the Kibera slums of Nairobi; and and Gheto FM in the Pumwani area of Nairobi.

also arose as a means to map reports of the violence with new technology.

Broadband mobile internet use has also seen an improvement in accessibility, and by the end of 2009 the mobile telephony sector had a total of 392,964 users, a 39.3 percent increase from the previous year (Internet World Stats, 2011).

There is extensive cross-media ownership and media concentration within the market and a small, elite group dominates the newspaper, television and radio landscape.

Ownership Overview

There is extensive cross-media ownership and media concentration within the market and a small, elite group dominates the newspaper, television and radio landscape. In 2008, a CIDA-conducted analysis of Kenya's media sector revealed media ownership consolidation patterns and linkages between the media and government elite (Mshindi, 2008).

Government-owned Kenya Broadcasting Corporation (KBC) runs the widest radio and TV network in the country with more than 100 frequencies. KBC is the oldest and largest public service radio provider, with 17 regional radio stations, three commercial radio stations and three TV broadcast services (Kenya Broadcasting Corporation, n.d.; Mshindi, 2008).[10]

The Nation Media Group is the most dominant private media organization in Kenya, with outlets in radio, TV, newspapers, magazines and publishing. It consists of Nation Newspapers Limited, Nation Carriers Limited, Nation Broadcasting Limited, and Nation Marketing and Publishing Company Limited. The holding company for the group, Nation Printers and Publishers Limited, is a publicly quoted company—holding base of nearly 10,000 members—on the Nairobi Stock Exchange. The founder and principal shareholder is the Aga Khan who holds 43 percent of the shares.[11]

The Nation Media Group also operates Nation Television, Daily Nation, Easy FM, Q FM, and Nation Digital Division, an internet publisher. Additionally, through Nation Marketing and Publishing Limited, it distributes The Economist, Times, Newsweek and Fortune magazines (Mshindi, 2008).

The Royal Media Services Limited is the second most dominant broadcasting house in Kenya, controlling Citizen TV, a national TV network; The Leader, a daily newspaper; and 11 FM stations across the country. Business magnate S.K Macharia is the principal investor at Royal Media Services Limited (Mshindi, 2008).

The Standard Group owns The Standard newspapers and Kenya Television Network, and distributes numerous regional and international publications through its corporately owned Publishers Distribution Services. The key shareholders at the Standard Group are former President Daniel Moi (36 percent), Moi's son Gideon (20 percent), and former Moi aide Joshua Kulei (16 percent) [Siasa Duni, 2009].

The Legal Framework for Kenya's Media

While the health of the media in Kenya is improving, there remains tension between Kenyan law and media freedom (Maina, 2006). The three sources of press law in Kenya include the Constitution of Kenya, the Statutory Law, and the Common Law.

Constitutional Provisions

The Constitution of the Republic of Kenya was approved by referendum on August 4, 2010 and signed into law on August 27, 2010. Section 79(1) of the previous Kenyan constitution provided for the limited right to freedom of expression but no corresponding media freedom (Maina, 2006). The new constitution, however, specifically guarantees for freedom of expression and association, access to information and media freedom (NCLR, 2010). Freedom of the press has no limitation save those contained in the text of the constitution: war propaganda, incitement to violence, hate speech and ethnic intimidation and violence.[12] Further, the constitution disallows any form of govern-

10 Public Service Radio: National Kiswahili Service, National English Service, Regional Eastern Service Regional Central Service, Regional Western Service; Commercial Radio: Metro FM, Coro FM, MGHZ, Pwani FM; TV Broadcasts: Pay Television Channel 2, Entertainment Metro Television, Free to Air Channel 1.

11 National Media Group controls the following media: The Daily Nation, The Saturday Nation, The Sunday Nation, Taifa Leo, Taifa Jumapili, Business Daily, The Daily Metro, The East African, True Love and Drum.

12 Licensing of electronic, print and broadcast media is also permissible.

ment control over independent media and guarantees that published thoughts opinions and ideas may not be penalized, regardless of content.

Although the constitution is the presumed law of the land, as of the time of writing, there is no court of last resort (Supreme Court as required by the constitution) through which violations of media freedom can be heard. In addition, despite the clause allowing for free publication of ideas, legislation that criminalizes certain types of speech, such as defamation, remains.

Statutory Environment

According to the African Media Barometer Report on Kenya, the greatest threats to journalists and the press are libel and defamation prosecutions and suits (FES, 2009). The Defamation Act is widely used and criminalizes slander and libel of public figures. The prohibitions are ubiquitous, and include poorly defined terms such as "public figure" or "injured reputation," which allows for wide and varying interpretation and arbitrary application (FES, 2009). Further, the Act provides for limitless and duplicative penalties. Large fines are often levied at journalists accompanied by prison sentences, sometimes years after the alleged offense. Other acts criminalizing, or otherwise limiting a free press, include the Public Order Act and the Penal Code (Chapter 63), which criminalize speech deemed to threaten public order and the expression of "disaffection" with public figures.

Access and Rights to Information

Although the constitution guarantees freedom of information for citizens, it is silent on the establishment of any mechanism to enforce this right. A 2008 Freedom of Information Bill called for a Kenya Freedom of Information Commission to process requests and provide accountability when information is improperly withheld. Such a body was left out of the 2010 constitution.

Data Journalism Training, Nairobi (credit: Internews)

Restriction of public information is reinforced by a "culture of secrecy" in the government that is reinforced most vigorously by the Official Secrets Act (FES, 2009). This Act restricts citizens from possessing or publishing "secret" information. It also establishes a duty of non-disclosure on all government officials. It is required that civil servants take an oath of secrecy under the Act when assuming office (FES, 2009).

Despite the lack of legislation requiring a right to access, the Kibaki government has taken steps toward government transparency, recently launching an open government website— www.opendata.go.ke—through which citizens can access public sector information without charge. On this site, the government collects, curates and stores public sector information (PSI) that is typically used for government purposes. Citizens or other interested parties can obtain various dimensions of population data, including local and national government authority expenditures; public health indicator data and statistics including hospital locations; education data (such as enrollment rates and school locations); parliamentary proceedings; weather information; and detailed census statistics (such as access to electricity, water and sanitation). The goal, according to the site's home page, is to provide data that is free, both technically and legally accessible (easy to find online), and is in a digital format that is easy to use and modify. The data is also open to anyone and is reusable and redistributable.[13]

Regulatory Environment

Kenya does not have one specific media regulatory policy. Policy is generated through various laws, documents and reports in ministries and semi-autonomous government agencies (SAGAs). The key policy instruments in Kenya are the Kenya Communications Act (1998), the Media Act (2007), and the proposed ICT Policy (2008) and ICT Strategy (2008).

The most influential document regarding Kenyan media is the Kenyan Communications Act (KCA) 1998 (2009, as amended), which repealed previous legislation and unbundled the Kenya Post and Telecommunications Corporation into five separate entities. The entities were Telkom (the fixed line operator); the Postal Corporation of Kenya (POSTA); Communications Commission of Kenya (the sector regulator); the National Communications Secretariat (NCS); and a communications

13 For further analysis on the Open Data Initiative, see below Part 3

appeals tribunal. The NCS was assigned with the core responsibility of advising government officials on the adoption of new communications policy. The Act provides for recognition of e-transactions and deals with various aspects of ICTs and cybercrime.

The Media Act 2007 created the Media Council of Kenya (MCK) whose mandate is to regulate the media industry and promote media professionalism. The Act provides for direct funding of the MCK by the government (which is controversial), a 13-member commission to hear complaints and legal protection for commissioners, protection of media houses and journalists, and for the self-regulation of journalists. Currently, however, the act has no legal provision directing government to submit to jurisdiction of MCK (Oriare, Okello-Orare, & Ugangu, 2010).

In June of 2010, a Broadcast Council was established by the Ministry of Information and Communications. The Council consists of three appointed members from the media industry (as required by the Act), and advises the government on communications and journalism policies (Oriare, Okello-Orare, & Ugangu, 2010)

With input from the MCK, the government drafted a comprehensive ICT policy and strategy that marks a growing appreciation for the role that ICTs play in enhancing social and economic development. The policy provides a framework for navigating Kenya's socio-economic transformation in a globalizing world dominated by information and knowledge economies. The ICT strategy also helps inform the government's strategic platforms in harnessing the potentials of ICTs for economic growth and poverty reduction.[14]

The ICT policy focuses on the development of the broadcasting sector in Kenya (Kenya ICT Board, 2010) and encourages the development of local content, the promotion of media plurality and diversity of opinion. Moreover, it calls for the respect of privacy and promotes internal dispute resolution mechanisms (Maina, 2006). Currently there are no provisions for independent media regulation. The state-controlled regulatory body with limited jurisdiction over media matters is the CCK. Although CCK grants frequencies to applicants, the actual licensing is done by the Ministry of Information and Communications, which also has the mandate to evaluate and license all broadcasting applications and to register film and production agents in Kenya (Maina, 2006).

14 For more information on recent developments in ICT policy, see Waema, Adeya & Nyambura Ndung'u, 2010.

Non-state players attempting to guide the Kenyan media regulatory space include the MCK and the Media Industry Steering Committee (MISC). The MISC was formed in 1993 and is comprised of various stakeholders in the media (e.g., the Media Owners' Association,[15] the Kenya Union of Journalists, the Editors Guild, the Kenya Correspondents Association, media NGOs, training institutions, state media, and the alternative press) [Maina, 2006]. The MISC lobbies to promote and defend the freedom and independence of the media and for the establishment of an independent broadcast regulator.

Currently, there are no regulations supporting community or alternative media. This is in part due to the fact that there is, as of yet, no comprehensive media law. The need for increased assistance for community media is well-articulated in the 2006 draft of the National ICT Policy, however, and several NGOs—in addition to corporate and private companies—have been advocating for the drafting of policy provisions for community media (Maina, 2006).

In terms of alternative press, any company that wishes to register a newspaper is required to post KES 1,159,200.04 KES (the equivalent of about USD 14,000), which tends to keep small-scale investors out of the print section and limits the number of alternative voices and viewpoints available to the public.

There is no public service mandate in the Kenyan media. The state-owned KBC does not have a clear, legislated public service broadcasting remit, although the KBC does attempt to fulfill many criteria —such as serve the public and address issues of access and multilingualism as illustrated below. It also strives to reach both rural and urban citizens and tries to target its programming to all age and interest groups (Maina, 2006). The KBC has a variety of vernacular-language radio broadcasts targeted at rural people of various origins (Oriare, Okello-Orare, & Ugangu, 2010). The launching of KBC's vernacular services was spurred by the opening of Kameme FM, a Kikuyu-language station started in 2000 by a private media entrepreneur.

KBC, not surprisingly, broadcasts in line with the government's views. Notwithstanding this fact, the more liberal politics of recent years have seen the station take a less conservative approach. This is likely in part because state funds have decreased, forcing the KBC to rely more on advertising dollars. This commercially-oriented shift, therefore, erodes its commitment to

15 The Media Owners Association is a body of owners of the main broadcasting and media houses in the country, including directors and managers of the powerful Standard Group and the Nation Media Group.

public programming. In fact, KBC has seen a decline in educative and community-oriented programming (Mshindi, 2008).

Private broadcasters are similarly without a public service broadcasting remit quota. Further, private broadcasters demonstrate a tendency toward bias—one which is exacerbated by the lack of effective regulatory mechanisms regarding cross-media ownership. This tendency toward bias is further supported by the presence of cross-media ownership. The broadcast and print holdings of the Nation and Standard Groups, for instance, has frequently led to the duplication of content and story narratives across media outlets. Media owners with strong political affiliations tend to be politically co-opted and influence editorial policy in line with their persuasions. Almost every channel can be identified with a political party or personality (Oriare, Okello-Orare, & Ugangu, 2010).

The State of Journalism in Kenya

The number of journalism schools continues to increase and currently an estimated 23 institutions offer standardized media training at various levels. These include six departments in various universities around Kenya. The University of Nairobi offers a postgraduate diploma, a B.A. and M.A. in journalism. The program incorporates radio and television, media studies, media law and ethics, feature news writing, editing, and communication theory, among others. Small colleges also offer media training but often the training is substandard. Although the number of journalism schools jumped from 6 to 25 between 2000 and 2005, proper training is expensive and the schools lack both modern equipment and facilities. Further, the programs are often too general and fail to provide journalists with applied skills for professional development. They lack both practically-oriented curricula and the human capital to offer the qualified expertise for training. More investment is required in journalism training as professionals lack vital skills to do investigative journalism and analyze collected data. The principal of the KIMC, which provides training in the media sector, suggests that "the private colleges across the country lack vital facilities for quality training. There is not enough human capital and even private colleges that offer no practical training still obtain licenses from the government."

Standards of professionalism vary from one organization to the next, but the overall vibrancy of Kenya's media sector is facing a struggle over journalists' professionalism and ethics, political bias, corruption and violence. Generally, larger media organizations—such as the Nation Media Group and the Standard Group—tend to recruit and employ professionally-trained journalists. This is not the case with smaller organizations. Many of these journalists fail to consult experts when reporting on serious matters, leading to the dissemination of false or misleading information. Reporters rarely verify or check their facts. Often, political or ethnic bias slants the news reported; competition among media, corruption and incompetency compromise objectivity and journalistic integrity.

Grassroots community mappers work on a Google Maps project. (credit: Internews)

A code of ethics—a joint effort between the donor community and media stakeholders—was developed in 2001 and all major media houses have since ratified the code. However, experts estimate that approximately 85 percent of journalists remain unaware of its content. This has led to gross violations of the code by journalists, many of whom accept bribes from politicians and other sources.

Journalists are poorly paid and this certainly contributes to their vulnerability to bribery. A reporter working for mainstream media earns 500 USD per month at the lowest end. There is also a salary disparity between editors and journalists; editors earn two to three times the salary of journalists.

Journalists do not cover every key issue in the country and the media display an obvious political bias. Coverage is also heavily skewed toward business interests and entertainment. Entertainment accounts for 80 percent of content on FM radio (Maina, 2006). State media may not be considered editorially independent, serving as the government's mouthpiece in most cases. Furthermore, journalists tend to cover urban matters, rather than rural, as media consumption is higher in urban areas.

Self-censorship is widely practiced. Journalists self-censor for a variety of reasons, including the fear of losing their jobs, opportunity for financial gain, editorial policies, business interests and political pressure from media owners and advertisaers.

Crimes against journalists are common and serve as a strong deterrent to investigative reporting. This is buttressed by an atmosphere of impunity in which violence, harassment and intimidation against journalists is the norm. Journalists tend to fare better in Kenya than in war torn countries such as the Democratic Republic of Congo—where violence against journalists increases with internal conflict—journalism in Kenya is nonetheless a dangerous profession.[16]

In 2009, a journalist for the weekly Citizen Weekly was brutally murdered; the suspected killers (who are police officers) have not been charged. Another journalist was murdered in 2008 (CPJ, 2011). As recently as August of 2011, prison guards in western Kenya attacked three journalists employed by the private broadcaster National Television (NTV) covering an escape attempt (CPJ, 2011).

16 According to CPJ statistics, Kenya has seen 2 murders against a journalist since 1992 while the DRC has experienced 6 murders in the same time period.

Summary and Conclusion to Part 1

Despite advances in media freedom and development and a new constitution, the media in Kenya remains hostage to institutional, economic, and political pressures. As noted, Kenya's unique history of colonialism, post-independence political competitions, authoritarianism, and subsequent political and economic liberalization has had a deleterious effect on both the pace and depth of media development. Kenya's political history in particular raises barriers to media independence. Newspapers continue to align with one party or the other, compromising the independence of the media and journalists and the quality and credibility of information received by Kenyan citizens.

Kenya's legal infrastructure is ill-equipped to facilitate media development. While a new constitution (2010) places near absolute guarantees on rights to free press and expression as well as citizen access to information, those institutions charged with protecting citizens' rights and providing governmental transparency and accountability have yet to be established. This leaves the guarantees effectively unenforceable and the media vulnerable to pre-existing criminal libel laws, frivolous defamation suits, and emergency and security laws that serve to censor and criminalize political dissent.

Economic liberalization spurred by the international donor community helped grow the media in Kenya to an extent. However as with many nations following a neoliberal liberalization model, Kenya now faces potential crises in media ownership concentration, as there have been no ownership regulations or restrictions imposed (or proposed) upon corporate or political interests.

Unlike many of Kenya's neighbors, rampant violence and overt governmental repression are not the major threats to the country's independent media. Rather, Kenya faces unique political, cultural, and economic obstacles. If the constitution is implemented with the corresponding institutional infrastructure, Kenya will most likely see a jump in the Freedom House "Freedom of the Press" ranking. However, the political bias and corruption that remain a socio-cultural fundamental in Kenyan society will remain an issue, as will the concentration of media ownership that currently limits the voices of the Kenyan press and thereby the choices of the Kenyan people.

Part 2: Literature Review

Principal Author: Katharine Allen

There is a substantial body of literature addressing media development in Kenya. Earlier articles and books focus largely on the mainstream media, community radio, and of the role of democratization and politicization in the development of Kenya's media system. More recent literature, especially that written after 2007, tends to focus on the presence of new technologies, such as SMS messaging through mobile phones and the impact of the internet in discourses of both theory and practice. In addition to this work, there is also a vast body of literature comprised of reports and white papers generated by various civil society organizations and governmental institutions. The two branches of literature are synthesized in this report.

Community Radio

There is an ongoing debate in Kenya regarding the role of community radio in terms of its potential to strengthen governance and democratic consolidation or its potential to create ethnic and regional divisions that impede development and progress. The debate is addressed in a 2008 report compiled jointly by the BBC World Trust and UNESCO following a conference in Nairobi. The report, "The Way Forward in for Community Radios in Kenya," notes that such debate often dilutes the distinction between vernacular radio stations and community radio stations. Vernacular stations are those commercial enterprises that broadcast to a certain ethnic community in their own language for profit. There is a body of literature addressing vernacular radio stations' dissemination of hate speech and effect on ethnic tensions. A 2008 article by IRIN, the humanitarian news and analysis publication of the United Nations (UN) Office for the Coordination of Humanitarian Affairs, notes that vernacular radio stations raise ethnic tensions through call-in radio programs and politically and ethnically charged music (2008). The report, "Kenya: spreading the word of hate," did however note a decline in incidents of vernacular radio hate speech, attributable to the presence of national and international monitoring (IRIN, 2008). Somerville (2011) also found

TV workshop (credit: Internews)

evidence of Kenyan vernacular stations' use of broadcast to promote a partisan agenda and "set an agenda of targeted suspicion" toward outsiders (Somerville, 2011). Weber (2009) found vernacular radio to be one of the root causes of ethnic politicization.

In contrast, community radio strives to serve the public. Community radio is defined as those stations that broadcast not for profit, aim their broadcast to a specific community, and, most importantly, intend their broadcasts to contain messages that are socially useful to the community (Abdi and Deane, 2008). Further, community radio is most often broadcast in a local language, houses a staff of volunteers and has a limited (8k or less) broadcast range.

Despite the regional limitations, the BBC report (Githethwa, 2008) on the 2007 Kenyan elections found that community radio is a very effective tool to reach rural communities and has vast potential to enable and aid rural and minority communities. Used as an educational tool, Berman (2008) claims that the Kenyan community radio used for interactive radio instruction (IRI) may be a template for the means of giving educational opportunity to rural, isolated peoples worldwide. In her article, "The return of educational radio," she notes the success of a Radio Language Program (RLP) that was developed in Kenya in the 1980s and 1990s. The RLP program relied extensively on stories, games and songs, and engaged the students in learning by stimulating their fantasies. The basic structure of the lessons was that of a conversation (Berman, 2008). Bosch (1997) argued that IRI can help the learning process and lead to higher test scores; the educational programs have also been proven to be useful in bringing the education level of students in rural area to the level of those in urban schools with access to better teachers and materials. Bosch (2004) has further stated that, since the early 1980s, the sustainable success rate for IRI projects—the positive growth of improvement in scores—has been 66 percent. Sterling, O'Brien and Bennett (2009) found that women in particular can benefit from community radio and propose that a more interactive model, one that allows women to respond to or "talk back" to the programming, will contribute to women's advancement in rural Kenyan communities.

Television

While radio remains the most accessible form of media in Kenya today, broadcast television is popular as well. "The Kenya media and telecom landscape guide" (Infoasaid, 2010) provides a brief assessment of the broadcast television market, noting that international and domestic television is particularly important for communicating news and information in Nairobi and other large towns (Infoasaid, 2010). Several other assessments of Kenyan television are available through media reports issued by a variety of organizations. InterMedia's "Audiencescapes: Kenya Media and ICT in Focus" concludes that while radio and television broadcasts remain the most popular media, the Internet and mobile phone use is changing the media landscape (InterMedia Survey Institute, 2010). "The BBC's 2008 Policy Briefing: The Kenyan 2007 Elections: Their Aftermath and the Role of Media and Communications" asserts that although the mainstream media played a substantial and positive role in the 2007 election process, television broadcast news remains politically co-opted and exhibits a large amount of political parallelism (Abdi and Deane, 2008). The Institute Français de Recherche en Afrique (IFRA) published a special journal article which examines the role of the media in the 2007 elections, finding that the television (and print) media made a concerted effort to practice "responsible journalism" and contributed to the process by both providing credible information and critical political condemnation (Rambaud, 2009). Critical scholarly analyses of the Kenyan television broadcasting system include an examination into the failure of broadcast news to properly inform the public under Moi, due to political pressure (Mak'Ochieng, 2006); gender stereotyping in children's television (Gotz et al., 2006); and the growing popularity of satellite television and foreign broadcasts (Clausen, 2009).

Journalism

The publications released by Infoasaid, InterMedia, the BBC World Trust, and IFRA, as noted above, also contain assessments of the quality and strength of the journalism profession. Further scholarly analyses include an examination of the cultural and ethical barriers to journalism development (Skjerdal, 2011; Ogongo Ogong'a, 2010) and a critical and historical analysis of the political economy of the press under Kenyatta, Moi and Kibaki (Ogola, 2011). The use of ICTs in Kenyan governance is examined in a report commissioned by the African Training and Research Centre in Administration for Development and the International Development Research Centre (Mitullah, 2006).

Citizen journalism and the use of social media (such as SMS text messaging) became a topic of much interest after the 2007 elections. Meir and Brodeck (2008) conducted a quantitative crisis mapping study, comparing mainstream news media, citizen journalism, and a dedicated crowdsourcing platform. Makinen and Kuira (2008) also examined the role of social media in Kenya's elections, in particular Web 2.0, showing that in the election crisis social media functioned as an alternative medium for citizen communication or participatory journalism. Mudhai recently provided a qualitative analysis of new media use in journalism in Africa with an examination of Kenyan media coverage—mainly between the 2005 and 2010 constitutional referenda (Mudhai, 2011).

Internet

Several studies have been conducted on internet penetration, dynamics, usage, and statistical synopses and analyses (Oyerlalan-Oyeyinka, 2004). However, literature critically analyzing the internet in Kenya remains sparse. Wyche et al. (2011) issued a report assessing the state of human-computer interaction (HCI) and developing communities. Levels of internet skill are recorded in James's (2011) article, "Internet Skills in Developing Countries: How much do we Know?" Further, the emerging body of internet law is mapped in Muruongi's (2011) treatise, Cyber Law in Kenya.

Media Development

Media development remains a topic of interest for scholars and policymakers alike. Generally, scholarly works tend to criticize foreign aid programs as counter-productive and self-serving. Amutabi asserts that NGO intervention in Kenya has the potential to thwart rather than encourage development (Amutabi, 2006). A similarly critical approach is taken in a 2003 article "Can Foreign Aid buy Growth?" (Easterly,2003). Here, Easterly finds that despite empirical correlations between aid and growth, the actual extent of the effectiveness of aid is muddied by competing and alternative definitions of "aid," "good policy," and "growth," as well as by a general lack of accountability and effectiveness of international aid agencies and domestic officials. Andrews (2009) provides a critical assessment of the comprehensive literature addressing aid and development in Africa and finds that when analyzed on a socio-cultural rather than macro level, the literature suggests that aid to Africa has been largely ineffectual, as evidenced by the continuing poverty and suffering in many African nations. Dietz (2010) offers a bibliographic assessment of the literature assessing the link between foreign aid and media development in (among other regions) sub-Saharan Africa. The article provides a comprehensive list of the political, cultural and economic literature produced on the subject between the 1990 and 2010.

Part 3: New Media, Convergence, and Donors

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> The liberalization and independence of the media sector has made mobile phones affordable and decreased the cost of internet access, but has also led to increased concentration of ownership.

New Media

Kenya is among the Sub-Saharan Africa countries that have invested the most—both symbolically and financially—in new media in the past few years. Kenyan politicians such as the Permanent Secretary of Information and Communication, Dr. Bitange Ndemo, have launched an attempt to frame Kenya as the "innovation hub for eastern Africa." This campaign has been backed by both public and private initiatives, such as the docking of the undersea cable EASSy, which is allowing Kenyan telecom operators to offer more affordable broadband access to the internet, or the Open Data Initiative, to which Kenya is the only African partner (as of 2011). Many individuals interviewed during research for this report highlighted the significance of the transformations triggered by new media and their role in "creating a new mindset" among Kenyan citizens. They stressed, however, that these transformations are part of a longer wave of change that Kenya has been experiencing since the introduction of multipartism in 1992. It is thus important to resist some of the temptations of techno-determinism—attributing change mostly to innovations in technology—and view the most recent developments not as simply "triggered" by new media, but as a component of larger process of political transition in Kenya. It is characterized as a transition of profound contradictions, where liberalization in politics and in communication have contributed both to the fostering of a new terrain for actors to experiment with innovative forms of engagement and participation and to the promotion of existing divisions—among different ethnic groups, for example—in taking a more central stage in Kenyan social life, often with dire consequences.

The experience of Ushahidi offers a powerful example of both the productive and destructive forces connected to this transition. Ushahidi, which means "witness" in Swahili, is an online service that gathers reports sent by citizens via email or SMS; it also maps and aggregates them, according to various topics, in real time on a Google map. It was first developed in response to the violence that erupted in Kenya in the aftermath of the contested elections of 2007, in order to map the outbursts of violence and allow the authorities to respond in a more effective manner. The post-election violence had its roots in the abrasive language used during the political campaign, often relayed by vernacular radios and SMS and building on ethnic divisions and long-term grievances.

The development of the media sector, closely tied to Kenya's political history, also means that there are still strong links between big media players and the political environment, and a tendency among media players to seek to retain and strengthen their independence. The ongoing efforts at successfully regulating the media sector are a case in point. Throughout the process of drafting and implementing laws, there has been a continuous resistance to regulating media ownership, as well as some political intervention in media freedom.

Price Wars and Competition

The liberalization and independence of the media sector has in recent years resulted in intense competition over advertising revenue and audiences, which has created significant price reductions in media use and information consumption. This development has greatly benefited the average Kenyan— in particular, mobile phones are now affordable to almost everyone, and internet usage prices are also declining. Yet this intense price competition has also led to an increased concentration of media ownership in a small number of hands, as mentioned above. Major media houses have grown in market share at the expense of local and small media businesses, which are unable to compete. Thus, Safaricom remains the largest provider of media infrastructure and access, while a few media houses, including Nation Media Group and Standard Group, control most of the public information channels.

Nevertheless, media market competition may also result in a reversal of this tendency of concentration. For instance, the major telecommunications provider, Safaricom, finds the telecommunications industry saturated; mobile operators are constantly competing with each other to win new customers while retaining the ones they have. This competition has been dominated by price, but as social and digital communications become integrated in customers' day-to-day interactions, there is an opportunity for operators to win loyalty by enhancing customer experience and reaching them in a way most convenient to subscribers. The sector may therefore start to see greater investment in media product development, allowing for new businesses to emerge as providers for existing media houses, rather than competition resulting in a concentration of media products with a few large media houses.

Creating Access

With the proliferation of innovative projects in the media sector, reducing barriers to access to public information and media sources is central to media development in Kenya. As the media sector has opened, offering new opportunities for Kenyan citizens to access information and to participate to the public debate, it has become a key focus area for politicians, media businesses and NGOs working in the field. Several government strategies are aimed at this issue. The Digital Villages Project launched by the Kenya ICT Board aims to provide broadband connections to remote areas in Kenya at a reasonable price, and large investments have gone into ensuring broadband access through undersea cables to India and Europe. Businesses have made efforts to increase media access to some marginalized groups. One example is a Safaricom and Nation Media Group initiative that ensures free delivery of newspapers to 91 schools in Coast and North Eastern Provinces.

Experimenting with New Technologies

The gradual spread of ICTs, facilitated by the increasing competition among telecommunication operators and the greater availability of bandwidth, together with the presence of a relatively large pool of IT professionals, entrepreneurs, and civil society operators, is turning Kenya into one of the most significant innovation hubs in the African continent. Kenya is progressively becoming a space where different actors—from the government, to private operators, donor agencies and national and international NGOs—are experimenting with new ways to use technologies to support development. According to Dr Levi Obonyo, the Director of the Media Council of Kenya, new ICT-enabled platforms "are not only offering new opportunities, they are shaping a new idea of the future." M-PESA (pesa means "money" in Swahili), the application that facilitates financial transactions through mobile phones, represents one of the most

Journalists editing (credit: Internews)

popular success stories emerging from this combination of factors. Through M-PESA millions of Kenyans can now transfer money, make deposits and withdrawals, and pay their bills. While it initially emerged as a project to help microfinance institutions collect customer loans, M-PESA soon became a viable and popular business, progressively replacing the informal networks of agents helping move money throughout the country and collecting revenues.

The significance of issues such as corruption and lack of transparency and accountability in the Kenyan debate has made governance one of the other sectors most affected by the experimentation with ICTs. Some of the most innovative ICT and governance projects have been promoted by local actors who have either localized platforms that proved successful elsewhere or have developed their own. The case of www.mzalendo.com belongs to the first category, as it represents a Kenyan version of theyworkforyou.com (a British website that lets citizens follow the work of their elected officials), aiming at keeping MPs accountable for their performance. The second category accounts for radically new platforms such as Ushahidi, and similar projects that are largely the product of local ingenuity accompanied by the successful integration of key local actors in transnational activist networks. However, they have quickly captured the attention of international NGOs and donor agencies who have started to invest in these types of ICT-enabled programs that employ locally-available platforms and media to support campaigns aimed, for example, at promoting accountability or at guaranteeing peaceful elections. Bilateral donors such as USAID, DFID, Danida, CIDA and the Netherlands Embassy, as well as multilateral donors such as the World Bank and UNDP, have been among the most active in sponsoring initiatives in these new areas, channeling funds through relatively large international NGOs, such as Internews and HIVOS, but also sponsoring smaller initiatives at the local level. Smaller international NGOs and philanthropic organizations (such as the Indigo Trust and the Omidyar Network) have also contributed to strengthen this wave of innovation in the country.

In 2008, the Netherlands-based Humanistic Institute for Cooperation with Developing Countries (HIVOS) started a Kenya Media Program (KMP) to help shape the media landscape by increasing societal participation, in collaboration with other donor organizations such as Danida, DFID, and CIDA. The KMP focuses on funding and offering short to long-term grants to media organizations, researchers, and media practitioners. Funded projects are required to provide elaborate evidence of specific contributions to Kenyan media. HIVOS has also been one of the contributors to Twaweza, which means “we can make it happen” in Swahili, a program largely supporting media/ICT innovation-based projects in Kenya and Tanzania. According to the Twaweza website, it “…is a ten year citizen-centered initiative, focusing on large-scale change in East Africa. Twaweza believes that lasting change requires bottom-up action. We seek to foster conditions and expand opportunities through which millions of people can get information and make change happen in their own communities directly and by holding government to account.”[17]

James Nduko, who is in charge of Twaweza’s activities in Kenya, stressed, however, that despite most of Twaweza’s activities focusing on innovation in ICTs, their projects are developing across several different media and platforms. As he explained, “We use multiple platforms. For example, we use the media, both print and electronic media, but we also go through religious organizations. We ask the preachers [for] five minutes of their preaching time. We want also to ask teachers, we want to establish partnerships with companies making consumer goods, for example printing a message on the back of a box of soap. One idea is to piggyback on existing infrastructure, on what is already there, to send relevant messages. The type of information that we provide can be about rights, letting people know that they have the right to do and to demand.”

Internews, which started its operations in Kenya in 2003, has been instrumental in promoting innovative uses of ICTs in Kenya, especially among print and radio journalists. With the support of USAID, Internews has implemented projects to improve media operators’ ability to report on issues related to health, governance, and conflict. Over time, Internews has begun to include trainings in the use of new media platforms as part of their projects and to support other organizations’ efforts in promoting the use of innovations in ICTs. Internews has introduced tools such as Frontline SMS (a free and open-source software increasing the ability of media organizations to communicate via text messaging) and the aforementioned Ushahidi, to journalists operating at different levels of the Kenyan media system, from small community radio stations to the main media network, both as a way to retrieve information and to facilitate the debate with audiences. At the same time, journalists’ interest and curiosity has not always been matched by their ability to make these tools an integral part of their everyday practice. According to Ida Jooste, Country Director of Internews Kenya, “conventional media outlets have demonstrated keenness to catch-up with the digital information space, but this is yet to realize sustainable results. […] A pattern of ‘dabbling’ is emerging where journalists and their organizations

17 See http://www.twaweza.org/

The 2007 elections provided an opportunity to demonstrate how platforms and mobile phones could allow citizens to mobilize.

introduce a new media component only to abandon or neglect it later." Jooste added: "in-depth investigative reporting using digital reporting tools may be something newsrooms aspire to, but do not yet fully embrace as media houses are still hobbled by the cycles and demands of breaking news and events reportage." Building on these initial experiences, Internews is now developing new programs to ensure that journalists, in both small organizations and in larger media networks, can master new digital tools. One of these programs is the Digital News Hub, which focuses, among other things, on enabling journalists to make use of the opportunities offered by projects such as the Open Data Initiative and to be mediators between government institutions and citizens.

After the dramatic elections of 2007, when platforms such as Ushahidi were created and mobile phones proved to be an effective resource to allow citizens to mobilize, denouncing cases of violence and facilitating the authorities' responses, the constitutional referendum of 2010 represented an opportunity to further test existing and new tools. In 2010, two different platforms were deployed to check on electoral offences (such as intimidation, hate speech, or vote buying) by two coalitions of organizations composed of local CSOs, donor agencies and volunteers' networks. One platform, Uchaguzi, emerged from collaboration between Ushahidi, HIVOS, and other Kenya-based organizations that had been active in the fields of governance and civic education, such as SODNET and Uraia. The other platform, Uwieno, was launched by PeaceNet Kenya, the National Cohesion and Integration Commission (NCIC), and the National Steering Committee (NSC) on Peace Building and Conflict Management with support from the United Nations Development Program (UNDP). Both platforms collected SMS text messages sent by people across the country at a central hub where data was processed to develop a real-time understanding of how the country was preparing itself for the referendum and whether or not there were irregularities on the voting day, set for August 4, 2010.[18] Uwieno and Uchaguzi proved successful and received large quantities of messages and reports.[19] However, the designers and managers of both Uwieno and Uchaguzi indicated that technology was just a component of the platforms' success and the human factor played a paramount role in ensuring that reports could be sent on time and verified, and effective links were created with the people who could act upon the information filtering from the ground. Charles Wanguhu, Project Manager at AfriCOG, who took an active part in running Uchaguzi, said: "The main problem we encountered was verifying the reports that we were receiving. In some cases people were sending SMS but with too little information so we had to call them back." Similarly, PeaceNet, having already deployed observers during the 2005 constitutional referendum, and the 2007 election, could rely on an established and pervasive network of mediators, which could act as monitors and referees for their own communities. The strength of projects like Uwieno was not only crowd-sourcing information coming from ordinary citizens, but also having a reliable network of monitors and volunteers to ensure that information emerging from the ground was reliable and could lead to actionable results. Steve Kirimi, CEO of PeaceNet, explained how the reliability of information and citizen participation were mutually reinforcing factors, "People were realizing that actions were taken as a result of their texts, so they were gaining confidence that their actions could bring a result."

Despite the popularity of projects such as Ushahidi, Uchaguzi, or Uwieno, and the way they inspired similar initiatives, it is still unclear how significant their contributions have been in promoting peaceful elections and/or reconciliation among opposing factors. Rigorous monitoring and evaluation exercises have not been conducted or disseminated to date, and in general, it is difficult to attribute specific results to individual interventions during events such as elections, where many factors are at play. An important result of these innovative projects, however, is that they are "creating a new mindset" among Kenyan citizens, as Levi Obonyo, the Director of the Media Council of Kenya, pointed out. These projects are bringing young Kenyans together to create a new image of their country, and to shape a new space in which alternatives to the ways in which the country is currently run can be explored and tested.

18 Users could also interact with the platform through email and Twitter.

19 A document published by Uchaguzi indicated more than 1,000 reports received on the day of elections – (http://www.twaweza.org/uploads/files/Uchaguzi-Report-Aug4.pdf) and Steve Kirimi, CEO of Peacenet, indicated that hundreds of messages have been received every day since the inception of Uwieno.

Convergence of Different Platforms and Hybrid Media

As new technologies spread, opportunities to combine new and older media increase. Innovation is creating new tools and interactive spaces, hosting forms of communication that were previously distinct media. Smart phones are probably the most used example of this trend. Currently still restricted to a small elite, they are becoming increasingly accessible because of the tight competition among different operators, to the point that some informants predicted that browsing the Internet will soon become an activity that most Kenyans will do through their handheld devices. The combination of different media is fashioning new, hybrid forms of communication. For instance, mobile phones are offering new opportunities for audiences to participate in radio broadcasting and on-air debates. This not only allows for greater media penetration, but also transfers confidence between platforms from the trusted, and frequently used, to the less frequently used. Similarly, messages originating online have shown a remarkable ability to reach well beyond the population that has access to the Internet. For example, a message on a forum or a blog can be picked up by newspapers, broadcast on radio, and later discussed in coffee shops.

The increasing media density is mostly experienced by Kenyans living in urban centers, but now, increasingly, it is being used in rural areas and is thus leading to the emergence of new phenomena, with both positive and negative consequences. Three phenomena in particular are significant in relation to the emergence of hybrid media: the increased ability for ordinary Kenyans to participate in public debates; the possibility of translating opportunities emerging in one platform onto other platforms; and the increased ability of collecting and employing public opinion, often in problematic ways.

Participation in Public Debates

A significant impact of the growing media environment in Kenya has been in the area of citizen participation in public matters, ranging from political debates to service delivery reporting. George Nyabuga, Lecturer in Journalism at Nairobi University, for example, points specifically to community radio stations and their success in engaging local people in public debates through their programs, which have then managed to alert political leaders and state institutions about public sentiment on performance. Hannah Bowen, Research Analyst for InterMedia projects in Africa, supports this argument, saying that the combination of mobile phones and community radio is enhancing public participation across divides such as income, gender, tribe, and age. The combination of radio and mobile phones, both to collect and disseminate news, is resulting in wider audience engagement, especially in rural or marginalized areas such as city slums. Radio stations have started to work as spaces that can amplify citizens' voice. They can allow citizens to raise issues; they can localize a national agenda; and they can set their own agenda. Cases of citizens holding their MPs accountable are increasing, asking, for example, how their elected representatives are using the constituency development fund (CDF), the fund that is given to each MP to develop his or her constituency. Critiques range from "ordinary" corruption to cases where projects favor a specific ethnic group. Radio stations are increasingly asking citizens to report on issues emerging from their localities and asking politicians to respond on-air; they are also becoming public fora where authorities can call back to give their version of a story when they are called into question.

> New spaces in the media offer opportunities for democratic engagement, but are also vulnerable to being hijacked by partisan and possibly divisive interests.

The spaces emerging at the intersection between broadcasting and mobile telephony seem to be offering new opportunities for democratic engagement, but it is important to stress how these spaces are also vulnerable to being hijacked by partisan and possibly divisive interests. Cases have increased of the same individuals being regularly featured in talk shows and supporting specific public figures or political groups. Some of these individuals have even made a profession out of their presence on-air, asking particular public figures for pay for supporting their cause. This practice, if not addressed, can challenge the credibility of some of these new public spaces, or worse, spur tensions at particularly sensitive times, such as before and after an election.

Translation Across Platforms

One of the most significant steps in making new technologies an integral part of the governance of Kenya has been the launch of the Open Data Initiative in June 2011. Key figures of the Kenyan ICT scene have interpreted this event as opening unprecedented opportunities for Kenyan citizens to engage in the running of the state and check on their politicians and civil servants. Levi Obonyo, for example, explained that "through the data that are made available it will be possible to crosscheck if a project, like the building of a school, has been double or triple billed, as often happens, so that politicians will not be able to pocket the money anymore." At the same time, criticism has emerged as to the real ability of initiatives like Open Data to address the concerns of and be used by ordinary citizens.

Too few Kenyans have access to the Internet to really make use of the data available on the website "opendata.go.ke," and even fewer have sufficient education to enable them to make sense of the data available. A number of individuals, such as Michael Gurstein, the Director of the Centre for Community Informatics, have pointed out that access is not the core issue anymore. In a society where many people still do not have access to the internet despite owning a mobile phone, it is more important to translate and make the opportunities offered by such initiatives accessible on other platforms.[20] The struggle to bridge "the digital divide," as it was framed in the 1990s and early 2000s as an effort to increase access to ICTs—largely interpreted at the time as computers connected to the internet—has been superseded by the rise of mobile technology.

20 See, for example, Gurstein, 2011.

These shifts involve finding mediators, both at the technical (e.g. new mobile platforms) and at the institutional (e.g. journalists) levels that are able to translate some of the resources and the interactivity on the internet into forms and languages that can be accessed by the majority of the population. Some initiatives, such as Internews' Digital News Hub, are attempts to address these challenges, but a concerted effort is needed from various organizations, from media houses to civil society organizations to telecoms operators, to make sure that these new opportunities can really have the expected transformative potential.

Opportunities and Risks of Collecting Public Opinion

Large media houses have also mastered new ways to combine TV and radio with mobile phones to increase participation in debates and disseminate information more broadly, for instance through receiving text messages while on-air. They are increasingly using social media like Facebook and Twitter in radio and TV shows to engage the public in debates. One of the most successful forms of interaction that has been promoted by networks such as Royal Media, the Standard, and the Nation has been allowing citizens to participate in opinion polls and vote on critical issues by sending SMS to the studios, for example during the evening news bulletin. Opinion polls in Kenya date back to 1993, soon after

Photography training (credit: Internews)

the advent of multipartism. Since then opinion polling has increasingly been mainstreamed in Kenya electoral politics; and is evolving as part of the democratization process. However, it has also raised concerns, for instance that the existing SMS-based polls are mostly ad-hoc and unsophisticated. For example, Victor Rateng, Research Executive at Synovate, indicates that one of the problems is that audiences do not understand the difference between unrepresentative polls and the representative ones run by companies such as Synovate. As he indicated, “even some politicians do not understand the difference between the two products and it is not unusual for Synovate to get complaints from some politicians lamenting that a Synovate poll and an SMS poll show different results on a similar issue.” In addition, the fact that audiences can simply respond “yes” or “no” creates a possible risk that it could foster polarizing effects during a debate. As Rateng and other interviewees pointed out, there is great uncertainty about the quantity of messages received by the TV stations during a poll (audiences usually have a 30-minute window to send their texts) and this creates opportunities for hijacking the poll. For example, individuals have been paid by political figures to skew the debate in ways that favor a particular politician’s take on an issue.

It is thus important for different governance actors, from NGOs to government and donor agencies, to not simply facilitate the opening of new spaces for citizens to express themselves and influence the public debate. They should also check on those spaces to guarantee that they are genuinely representing the voices and opinions of the general public—not simply benefiting from the aura of newness of certain media while actually impoverishing the democratic debate.

Recommendations

For the media in Kenya to improve further, the following recommendations emerge from the study:

- Provide clear regulation that liberates the media at all levels, including in the editorial process
- Invest in practical training of media professionals to cope with the dynamic media sector and the new availability of data from the Kenyan government
- Encourage participation of all citizens in public debates, by supporting community radios
- Improve welfare of media practitioners, including remuneration and working conditions
- Resolve ethical and professional issues in professional journalism
- Reduce different forms of censorship, including arbitrary, legalized and disguise or covert censorship, such as prohibitive taxation on production materials
- Invest in media access to increase the market opportunities for new businesses
- Do not assume that technology alone triggers social change, or that the change that accompanies new technologies are automatically democratic and beneficial
- Donors should stay informed about Kenyan innovation, and support it in appropriate ways, including helping to create a better enabling environment

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Appendix 1: Methodology

The following template and sampling frame guided the field research:

Case Study Report Template

For the research consultant: This document provides the overall structure for your report. Your role is to focus primarily on the following:

1. Pulling together the evidence needed to describe how donors have contributed (or not) to media development in the country: who were the major players, what were the major trends, over the last 20 years.
2. Incorporating the perspectives of donors, local NGOs, international implementers, and aid recipients to describe in these interventions: what worked, what didn't work, and why. When possible, collecting the reports, data and other evidence on which these conclusions are based.
3. Diagnosing the state of media as a business in the country. What are the business models? What are the major challenges? What data do people base business decisions on?

PART ONE: EXECUTIVE SUMMARY (1-3 pages)

I. Summary (bullet points are fine) of the major findings of the study, focusing on the areas in the box above

PART TWO: MEDIA OVERVIEW

II. (suggested length: 2-3 pages) Brief historical and development background – tie into information / media culture

- a. What are the key political, social, and economic events and trends that have shaped the last 20 years of the country's history?
- b. What are the country's key development challenges (general development, media development)?
- c. What donors are most active in the country (economic development, not just media development)? What are their development priorities for the country overall (e.g. poverty, health, governance)?

III. (suggested length: 5 pages) What does the media landscape of the country look like?

- a. Brief overview: What are its major features? Developments and trends over the last 20 years? Is it able to hold government and business accountable? How well does it provide essential information to the population? Who does information reach and not reach? What forms of media are most prominent?
- b. What is the state of journalism in the country? Is the media relatively free from corruption? What are average salaries for journalists? How good is the overall quality of reporting? How safe is it to be a journalist?
- c. In what ways is the political economy / enabling environment of each country supporting or detracting from the development of the media sector?
- d. Brief overview of related laws, regulations and major developments over the last 20 years
- e. To what extent are laws and regulations that are in place put into practice

f. Describe the information culture of the country. How do different groups of people get information? What are the major challenges? Do they feel that they have a say in decision-making? How important is news vs. entertainment?

IV. (suggested length: 2-3 pages) What is the state of the business of media?

a. What are the business models? What are the major challenges?
b. What are the trends in media ownership, major issues there?
c. What do people base business decisions on? What is the state of data on media?
d. What kind of data on media is there in the media system (audience / market research)? What data do different stakeholders use? How do they use it? How did its use develop?
e. If possible, please try to get copies or access to any of this data that media enterprises are using (audience/reach for various types of media, advertising numbers, etc.)?

PART THREE: DONOR-FUNDED MEDIA DEVELOPMENT (suggested length: 20 pages)

I. Given the media landscape, why have donors intervened in the media space? What was perceived as missing / needed?

II. What have been the donor-funded media development interventions with the most impact over the last 20 years?

a. What were the major activities? What were these activities meant to achieve, in both the short and long term? What local media or media-related organizations were created / supported (brief description – profiles of key orgs can go in the appendix)?
b. What have foreign donors' roles been? What have foreign NGOs' roles been?
c. How have donor investments supported or impeded media development? To what extent have these activities addressed the major challenges outlined in Part One? What approaches did they take? What worked? What didn't work?

d. Why? How do various actors opinions' converge or diverge about the success or failure of different MD interventions?
e. By what criteria are stakeholders judging the success or failure of interventions? How do they assess impact?
f. Any sense of interactions / conflicts in goals or direction with other forces, such as private investors, public diplomacy, strategic communication, etc.
g. What are the key issues around sustainability in donor-developed media? Differences in business model or approach between donor-developed media and the rest of the media?
h. How have the actors, activities, and impacts evolved over the last 20 years?
i. Where do donor-funded interventions seem to be going in the future?

III. (suggested length: 1 page) Gaps, further questions that should be asked, issues to investigate

IV. (suggested length: 1 page) Conclusions: What role did donor-funded media development interventions play in shaping the overall media landscape? How do these interventions fit into the overall development of the country?

APPENDIX

I. Literature review: Brief overview of previous research on media development in this country

a. What research has been done? What conclusions has it reached? What questions has it asked? How has it framed and assessed the question of impact of MD interventions? What are the gaps in the research?
b. Who has conducted the research (academics, implementers, donors, etc.) and how has this shaped the perspectives?
c. Methodology: overview of approaches used
    1. List of stakeholders interviewed
d. Profiles of key media organizations and NGOs (suggested length: one paragraph)
e. Chart – overview of major donors, implementers, local partners, and activities

Sampling guide - Interviews

Type of Organization	Category	Informants	Ideal interview quota	Actual total	Notes
Donor	High level programmatic decision makers In-country (e.g. embassy or donor office)		3		
NGO	Advocacy, legal, watchdog organization Umbrella organization / network Media monitoring Implementer of media development projects		4		
Media organization (NGO or for-profit)	Journalists, producers, editors, managers from media that receive donor funding: o Radio o TV o internet o Mobile o Newspapers or magazines		4		
Associations	Professional association		1		
Academia	Experts on the media and media development		1		
Media Industry Research	Conduct research and data collection used by the media		1		
Government	Ministry of Communications / Information Donor coordinating organization				
Other					
		Total	**10-15**		

Appendix 2: Interviews

The following interviews were conducted to inform the report.

Businesses:

Safaricom (ICT network operator), public relations employee (anonymous)
Airtel employee, department of customer care (anonymous)
Standard Group (news publishing and broadcasting company), IT technician (anonymous)

Academics and experts:

Dr. Polycarp Ormolu Ochilo, Senior lecturer at school of Journalism and Mass Communication and runs a consultancy company.
Dr. George Nyabuga, lecturer at school of Journalism and Mass Communication, journalistic consultancy for organizations and journalists
Dr Levi Obonyo, Director of Media Council of Kenya and Lecturer at Daystar University
Principal of Kenya Institute of Mass Communication
Journalist of Nation Media, political analyst (anonymous)

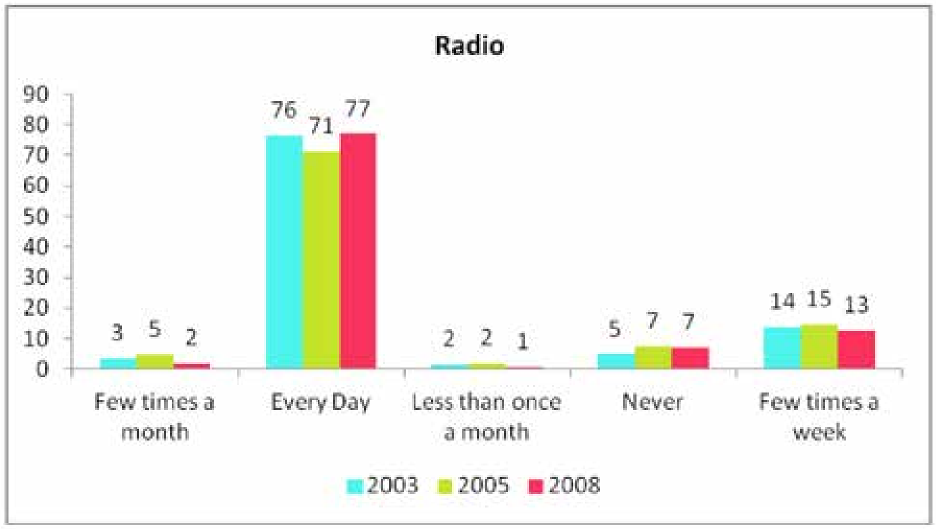
NGOs and CSOs:

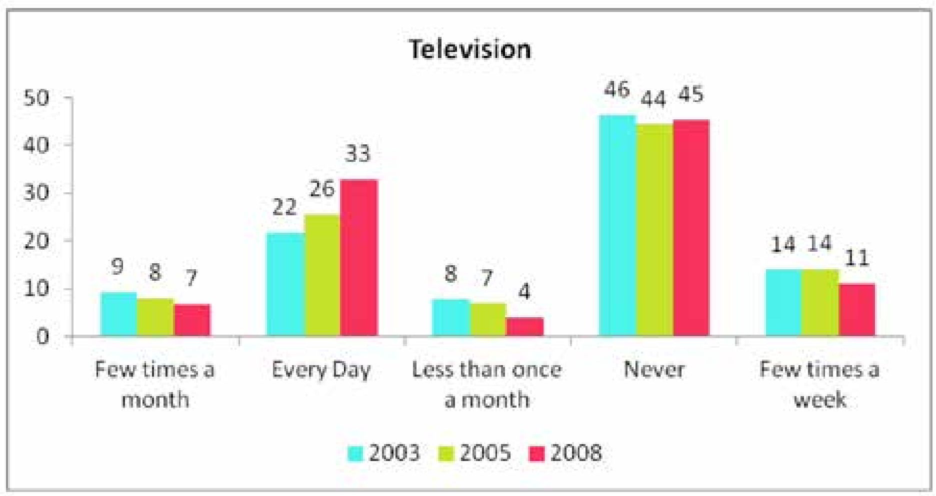
Anthony Wafula and Wanjiru Kago, Project Officers at the Humanistic Institute for Cooperation with Developing Countries (HIVOS),
Jason Nyantino, CEO of Media Development in Africa (MEDEVA)
Former official of Kenya Union of Journalists (anonymous by request of KUJ)
David Makali, Director of East African Media Institute
Victor Bwire, Director of Article 19, international human rights organization
Victor Rateng, Social Research Executive and Emily Were, Senior Business Development Executive, Synovate
Hannah Bowen, Project manager and Research analyst, InterMedia
Tom Rhodes, East Africa consultant, Committee to Protect Journalists (CPJ)
Gladys Onyango, Executive Assistant, Open Society Initiative for Eastern Africa (OSIEA)
Ernest Waititu, Resident Journalism Advisor Internews
Ida Jooste, Country Director, Internews

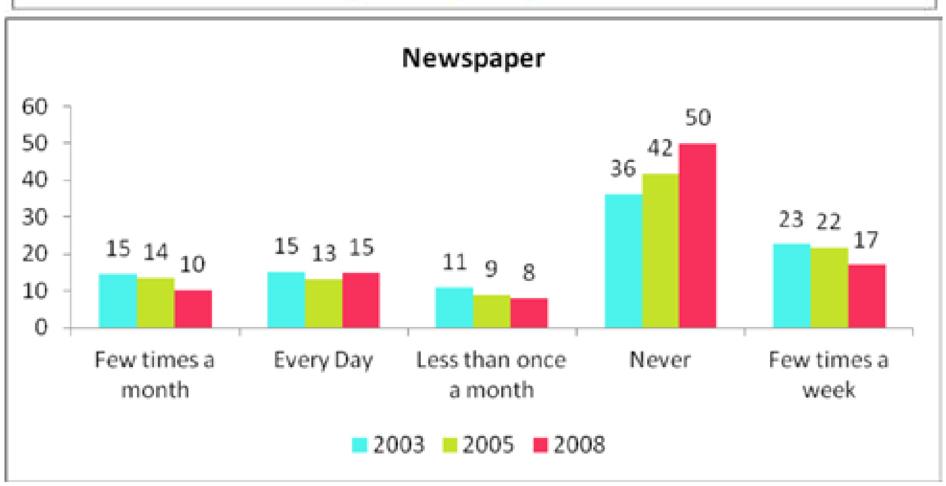
Appendix 3: Audience Research

Source: Afrobarometer (www.afrobarometer.org)- 2003, 2005, 2008

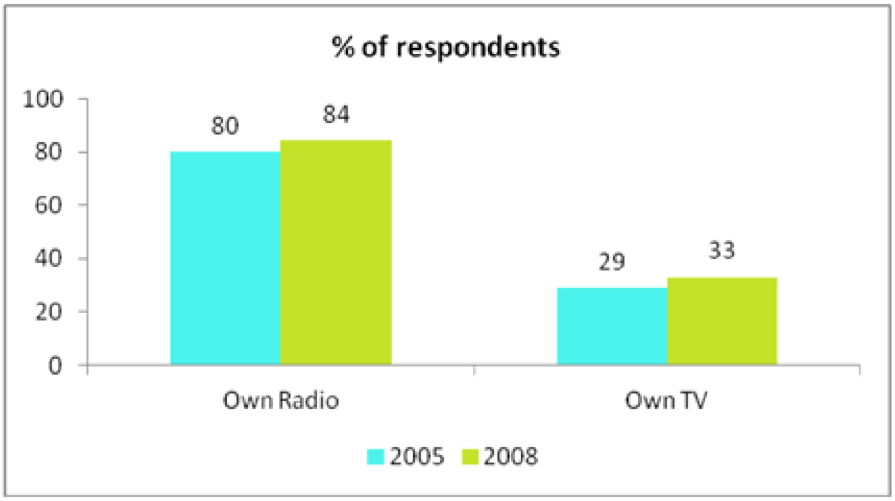
How often do you listen to/read the following for news? (% of Respondents)



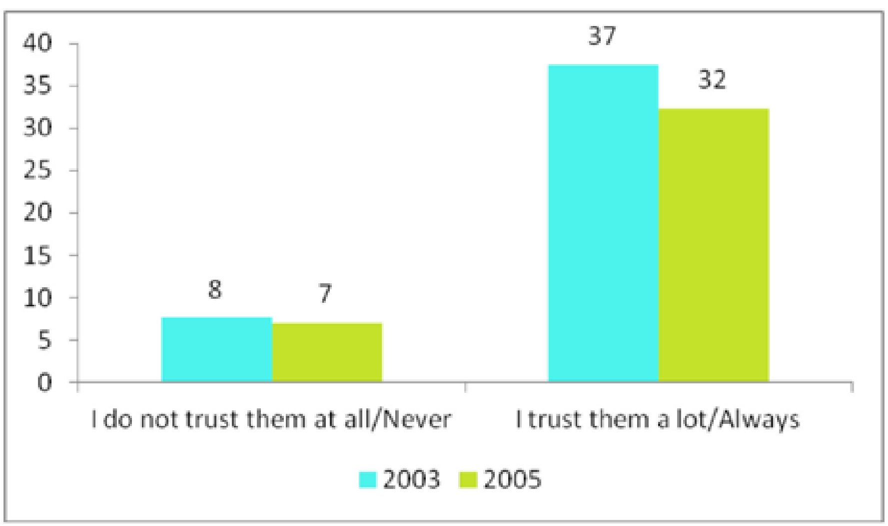




Household ownership of Radio and TV (% of Respondents)



Trust national broadcasting (% of respondents)



The Media Map Project is a multi-faceted two-year pilot research collaboration between Internews and The World Bank Institute, funded by the Bill & Melinda Gates Foundation. This report is a product of that research. The findings and conclusions contained within this report are those of the authors and do not necessarily reflect the positions or policies of the Bill & Melinda Gates Foundation, the World Bank or Internews.

The Media Map Project draws together what we know and precisely defines what we do not know about the relationships between the media sector and economic development and governance. The research also examines donors' roles in supporting the media sector over time and provides an evidence base for their future decision-making about media support. Through research, public events, and the data made available on the project website for public use and extended research, the project aims to engage the development sector in greater understanding and exploration of the role of media and information in development.

See www.MediaMapResource.org for more information.